

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

E-mail: spio-gsic.goa@nic.in Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

---

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 158/2021/SIC**

George Fernandes,  
H. No. 279, Abaxio Waddo,  
Canca Parra, Bardez Goa.

..... Appellant

v/s

1. The Public Information Officer,  
Dy. Conservator of Forests,  
Working Plan Division,  
Office of the Dy. Conservator of Forests,  
Panaji – Goa.
2. The First Appellate Authority,  
Conservator of Forests (WL & ET),  
Working Plan Division,  
Office of the Dy. Conservator of Forests,  
Altinho, Panaji – Goa.

..... Respondents

**Filed on : 16/07/2021**

**Decided on : 19/10/2021**

**Relevant dates emerging from appeal:**

RTI application filed on	: 22/02/2021
PIO replied on	: 01/06/2021
First appeal filed on	: 29/03/2021
First Appellate Authority Order passed on	: 18/05/2021
Second appeal received on	: 16/07/2021

## **ORDER**

1. Aggrieved by the denial of information by the Respondent No. 1, Public Information Officer (PIO), Deputy Conservator of Forest, Panaji Goa, the appellant Shri. George Fernandes, filed second appeal under section 19(3) of Right to Information Commission Act, 2005 (for short, the Act) before this Commission on 16/07/2021. The brief facts leading to the second appeal , as contended by the Appellant are :-

- (a) That the Appellant vide application dated 22/02/2021 sought information i.e. photo copy of full report of private Forest Review Committee headed by V.T. Thomas and F.X. Araujo with plans from the PIO. The Appellant received a letter from the PIO that his application is transferred to the PIO, Deputy Conservator of Forest of Ponda/Margao. But the information was not provided within 30 days.
- (b) That the appellant filed first appeal dated 29/03/2021 before Respondent No. 2, First Appellate Authority (FAA), under section 19(1) of the Act. The FAA vide order dated 18/05/2021 directed PIO to furnish information. However PIO provided only the report and not the plan. That the information sought is general information and does not fall under any exemption under the Act.
- (c) That being aggrieved the Appellant filed second appeal before this Commission praying for information, appropriate action against PIO and penalty under section 20(1) on the PIO.
2. The concerned parties were notified and the matter was taken up for hearing. The PIO and FAA appeared before the Commission and filed reply alongwith enclosures. It is seen from the reply filed by Shri. Anish Kalkoor, PIO on 30/08/2021 that the application was transferred to his section on 16/03/2021, by Shri. Anand Jadhav, PIO, Deputy Conservator of Forest, however Shri. Kalkoor did not reply till the FAA issued direction to provide the information to Appellant within 15 days. Thereafter the PIO wrote to the Appellant on 01/06/2021 to collect information during office hours.

3. During the hearing, it was established that only part information is provided to the Appellant. Not satisfied with the information, the Appellant volunteered to undertake inspection of records in the PIO's office and the Commission directed the PIO to facilitate inspection. PIO agreed to furnish documents identified by the Appellant after the inspection. Accordingly, inspection was carried out and the Appellant submitted list of documents sought by him. Later, the Appellant acknowledged vide letter dated 11/10/2021, on the receipt of information he was seeking.
4. It is seen from the records that initially the information was denied to the Appellant on the ground that matter is sub-judice before National Green Tribunal. However, later PIO furnished part information and provided remaining information after the inspection on instructions of this Commission.
5. The information has been furnished to the Appellant, though after the stipulated period mandated in the Act. However, the Commission is of the view that no malafide can be attributed to the PIO and therefore there is no need to impose penalty for the delay in furnishing the information.
6. In the light of the above background and in view of records brought before this Commission, the appeal is disposed with the following order :-
  - a) As the information sought by the Appellant has been furnished, the prayer for information becomes infructuous and no more intervention of this commission is required in the matter.
  - b) All other prayers are rejected.
  - c) The PIO is directed to deal with RTI application more diligently and honour the provisions and spirit of the Right to Information Act, 2005.

7. Hence the appeal is disposed accordingly and proceedings stand closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa