

## GOA STATE INFORMATION COMMISSION

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

Penalty No. 13/2021

in

Appeal No. 06/2021/SIC

Shri Zacarias Borges,  
H.No.81, Cupem,  
Nuvem-Salcete Goa 403604.

-----Appellant

**v/s**

1. The Public Information Officer,  
Dy. Town Planner,  
Town and Country Planning Department,  
4<sup>th</sup> Floor, Floor, Osia Complex,  
Margao –Goa 403601

2. The First Appellate Authority,  
Senior Town Planner (HQ),  
Town and Country Planning Department,  
4<sup>th</sup> Floor, Floor, Osia Complex,  
Margao –Goa 403601.

-----Respondents

### **Relevant dates emerging from appeal:**

Order passed in Appeal No. 06/2021/SIC:	17/09/2021
Show Cause notice issued to PIO	: 22/09/2021
Beginning of penalty proceeding	: 18/10/2021
Decided on	: 07/12/2021

### **ORDER**

- 1) The Commission initiated penalty proceeding against Respondent Public Information Officer (PIO) under section 20(1) and /or 20(2) of the Right to Information Act, 2005 (for short, the Act) for contravention of section 7(1) of the Act, non compliance of the order of First Appellate Authority (FAA) and for non furnishing of the information to Appellant.
- 2) The complete details of this case are discussed in the order of this Commission dated 17/09/2021. However the facts are reiterated in order to apprise the matter in proper

perspective. The Appellant had sought under section 6(1) of the Act, information vide application dated 11/09/2020. PIO failed to furnish the information and Appellant filed first appeal dated 27/10/2020 before the FAA. The FAA disposed the appeal directing PIO to furnish the information to Appellant within 10 days. The PIO failed to comply with these directions. Being aggrieved the Appellant filed second appeal before this Commission, praying for the information and penalty be imposed on PIO under section 20 of the Act.

3) The Commission while disposing the appeal vide order dated 17/09/2021 directed the PIO to furnish information within 10 days from the receipt of the order. It was concluded that PIO is guilty of not furnishing the information to the Appellant and also for not adhering to the orders of FAA. It was observed that PIO failed to appear before the Commission, hence his conduct is not in consonance with the Act and smells malafide, and such a lapse on the part of PIO is punishable under section 20(1) and 20(2) of the Act. Accordingly show cause notice was issued to PIO seeking his reply as to why penalty should not be imposed on him.

4) Penalty proceeding was initiated against the PIO, Deputy Town Planner, Town and Country Planning Department, 4<sup>th</sup> floor, Osia Complex, Margao Goa. Advocate Jorge Noronha Ferreira appeared on behalf of Appellant, however, PIO remained absent. Shri. Umesh Kurdikar, APIO appeared and noted the proceeding.

5) During the hearing on 03/11/2021 Appellant Shri. Zacarias Borges appeared in person and stated that he has received the complete information from PIO. The Appellant vide submission dated 03/11/2021 requested the Commission to withdraw the penalty proceeding and dispose the matter.

6) In view of the submission filed by the Appellant as mentioned above, the showcause notice issued to PIO is discharged and proceeding is dropped. However, the PIO is directed to deal with RTI applications diligently, honouring the provisions of the Act.

Proceeding 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

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