

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 196/2022/SIC**

Shri. Deepak Gracias,  
R/o. Karishma Apartments, 'C' Block,  
Opposite Cine Vishant,  
Behind Punjab National Bank,  
Aquem, Margao-Goa 403601.

-----Appellant

**v/s**

1. The First Appellate Authority,  
The Chief Officer,  
Margao Municipal Council,  
Margao-Goa.

2. The Public Information Officer,  
Margao Municipal Council,  
Margao-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 06/04/2022
PIO replied on	: Nil
First appeal filed on	: 23/05/2022
First Appellate Authority order passed on	: 07/06/2022
Second appeal received on	: 12/07/2022
Decided on	: 29/12/2022

**ORDER**

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No.1, First Appellate Authority (FAA) and Respondent No. 2, Public Information Officer (PIO), came before the Commission on 12/07/2022.
2. The brief facts of this appeal, as contended by the appellant are that vide application dated 06/04/2022, he had sought certain information from PIO, which was not provided within the stipulated period, hence he filed appeal before FAA. Being aggrieved by the order of the FAA, as well as non furnishing of the information by the PIO, he has appeared before the Commission by way of second appeal.
3. The concerned parties were notified and pursuant to the notice, appellant appeared in person pressing for the information. Appellant filed written submission dated 12/09/2022. Smt. Seema Velip, PIO appeared in person and undertook to furnish the information. Later,

on 25/11/2022 PIO stated that the information is furnished and has been acknowledged by the appellant.

4. Appellant stated that the information sought by him was pertaining to the files submitted before the Margao Municipal Council for transfer of house tax under Section 126 of the Municipal Act. The said information was not furnished, nor inspection was provided by the PIO during the stipulated period. Appellant further stated that the said documents were required in order to submit before the Secretary, Urban Development at Porvorim for the hearing of a case in which the FAA/ Chief Officer in the instant matter is respondent in the matter bearing Case No. M.A.SEC/UD/139/2022. Non furnishing of the said information within the stipulated period, has caused additional financial loss and compelled the appellant to face multiple proceedings. Appellant contended that the delay in furnishing the information was to protect the interest of FAA/ Chief Officer during the hearing before the Secretary, Urban Development, in the above mentioned matter.
5. Upon perusal of the records and after hearing both the sides, it is seen that, the information requested by the appellant was available in the records of the PIO and the same could have been furnished by her within the stipulated period. Yet, she did not respond till the first appeal was filed. If the information was related to third party, then the PIO under Section 11 of the Act was required to notify the concerned parties and take appropriate decision about disclosure of information, which she failed to do. Finally, PIO furnished the information after much delay, upon Commission's direction.
6. Further, FAA vide his order dated 07/06/2022 directed PIO to obtain NOC of the third party and "try to issue certified copy." In the same order, FAA has held that "since the information is furnished and appellant has no say in the matter, the case is disposed off."

Appellant's grievance against the order of the FAA is very much valid since the FAA has contradicted his own order in the last paragraph. FAA vide the said order has directed PIO to obtain NOC of the third party and "try to issue certified copy," whereas in the very next para he holds that "since the information is furnished and appellant has no say in the matter, the case is disposed off."

7. FAA and PIO are senior officers holding respective position in the administration of the public authority, are expected to be more responsible and sensitive to the requests coming from citizens under the Act. In the instant case, the delay in furnishing the information

has cost additional financial loss to the appellant and have compelled him to file the present appeal before the Commission. This being the case, the Commission reprimands the FAA and the PIO to be more responsible while dealing with RTI matters hereafter and reminds that non compliance of the provisions of the Act amounts to dereliction of duty.

8. With these observations, the Commission concludes that the information sought by the appellant vide application dated 06/04/2022 has been furnished by the PIO and acknowledged by the appellant. Hence, the prayer for information becomes infructuous and no further intervention of the Commission is required in the present matter.
9. Thus, the present appeal is disposed accordingly and the proceeding stands 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

