

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437208, 2437908 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

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

**Appeal No. 244/2021/SIC**

Shri. Prashant P. Naik,  
Dina Hsg. Complex, FF4,  
B. B. Borkar Road, Opp. Akashvani Colony,  
Alto-Porvorim, Bardez-Goa

....Appellant

**V/s**

The Public Information Officer,  
V. P. Secretary,  
Village Panchayat Siolim-Marna,  
Siolim, Bardez-Goa

...Respondent

Filed on: 05/10/2021

Decided on: 24/06/2022

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

RTI application filed on	: 31/07/2021
PIO replied on	: 10/08/2021
First appeal filed on	: 16/08/2021
FAA order passed on	: 03/09/2021
Second appeal received on	: 05/10/2021

## **ORDER**

1. The facts in brief of the present appeal are that the appellant vide application dated 31/07/2021 filed under section 6(1) of the Right to Information Act, 2005 (for short, the "Act") had sought information on four points from Respondent Public Information Officer (PIO). PIO vide letter dated 10/08/2021 furnished some information. Appellant, not satisfied with the reply, filed appeal dated 16/08/2021 before the First Appellate Authority (FAA), which was decided vide order dated 03/09/2021.
2. It is the contention of the appellant that inspite of the directions of the FAA, he did not receive the requested information and no inspection was provided by the PIO. Being aggrieved, he preferred second appeal against the PIO, before the Commission.

3. The concerned parties were notified and the matter was taken up for hearing. Adv. Sarvesh G. Kalangutkar, Adv. Minal S. Kerkar and Adv. Chetan G. Sangelkar appeared on behalf of the PIO and filed reply dated 22/12/2021. Appellant appeared in person and filed rejoinder dated 18/01/2022. Later appellant filed report of inspection of documents dated 21/04/2022.
4. PIO stated that he has already furnished the available information to the appellant and has provided for inspection of the records. Appellant had the liberty to apply for the information after the inspection, which he did not do. PIO further stated that the information sought is vague and the appellant has filed the present appeal with an intention to harass the PIO. That the contentions raised by the appellant in the present appeal cannot be looked into in the present proceeding since the same is beyond the jurisdiction of the Commission.
5. Appellant, on the other hand submitted that he has sought information pertaining to action taken by the Village Panchayat Siolim-Marna on his complaint against the illegal/unauthorised construction in his property under survey NO. 160/44. PIO has furnished inadequate and misleading information which is not in accordance with the contents of his RTI application, the same has been made amply clear by the appellant. Appellant further contended that unscrupulous and unlawful act of PIO has caused him mental harassment.
6. Upon perusal of the records, the Commission has seen that the PIO vide reply dated 10/08/2021 has furnished some information, however the appellant is not satisfied with the same. The appellant had requested the Village Panchayat for action against the alleged illegal/unauthorised construction in his property and sought information pertaining to the action taken on his complaint. It appears from the furnished information that the inspection notice was sent to the concerned party, site inspection was conducted, show cause notice was issued, more than once, and the same information has been furnished by the PIO to the appellant. If no further action against the illegal/unauthorised construction has been taken by the Village Panchayat. Then it has to be presumed that no more information is available with the PIO. Appellant's grievance regarding reluctance of the village Panchayat to take further action against the illegal/unauthorised construction in his property cannot be addressed by the Commission for want of jurisdiction. Appellant

is required to raise the said issue before an appropriate authority.

7. The Commission, in order to give relief to the appellant, directed the PIO to provide for inspection of the records. Accordingly appellant inspected the records on 18/04/2022 and filed report of inspection of documents on 21/04/2022. Appellant stated vide the said report that the PIO provided the same documents for inspection which were furnished vide letter dated 30/10/2021. Appellant further stated that he had registered his observations with regard to the same, however PIO has failed to clarify the matter.
8. It is seen that the appellant is aggrieved on the nature of the action taken by the Village Panchayat against the alleged illegal/unauthorised construction in his property. However, the Commission has no jurisdiction to decide the said grievance. Nevertheless the Commission observes that the appellant is praying for complete information and the said prayer has not been addressed by the PIO, after the inspection, which was conducted on 18/04/2022. Representative of the PIO on 27/04/2022 had undertaken to file reply to the contentions made by the appellant in the report of inspection, yet the PIO filed no reply and stopped attending the further proceeding. The Commission takes serious note of the same and hold that the PIO is required to furnish the correct and complete information to the appellant.
9. Further, the Commission notes that the appellant, apart from the prayer for the complete information, has also prayed for imposing penalty on the PIO. However, section 20 of the Act is invoked against the PIO only if his malafide intentions are established, which is not the case in the present matter. Hence, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa in Shri. A. A. Parulekar V/s Goa State Information Commission, the Commission is of the opinion that there is no need of invoking section 20 of the Act against the PIO.
10. Other prayers including direction to respondents to issue notification to make a particular letter alongwith contents of information furnished therein 'null and void' and examining the legality and propriety of inaction by the Secretary of Village Panchayat Siolim-Marna, under the Goa Panchayati Raj Act,

1994 are outside the purview of the Commission. Hence those prayers cannot be considered.

11. In the light of above discussion the Commission concludes that the PIO has not furnished the complete and correct information and since the said information is in public domain, neither exempted under section 8 of the Act, nor rejected under section 9 of the Act, PIO is required to furnish the same to the appellant. Thus the appeal is disposed with the following order:-

a) PIO is directed to furnish the information sought by the appellant vide application dated 31/07/2021, within 20 days from receipt of this order, free of cost.

b) All other prayers are rejected.

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