

# 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

**Complaint No. 02/2022/SIC**

Mr. Alexinho Rodrigues,  
H. No. 534, Dongorim,  
Navelim, Salcete-Goa 403707

..... Complainant

**v/s**

1. The Public Information Officer (PIO),  
Office of Village Panchayat of Telaulim,  
Telaulim, Navelim,  
Salcete-Goa

2. The First Appellate Authority (FAA),  
Block Development Officer-Salcete,  
Mathany Saldanha Administrative Complex,  
Margao, Salcete-Goa

..... Opponents

Filed on : 10/01/2022

Decided on: 13/04/2022

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

RTI application filed on	: 22/08/2021
PIO replied on	: Nil
First appeal filed on	: 27/09/2021
FAA order passed on	: 16/11/2021
Second appeal received on	: 10/01/2022

## **ORDER**

1. The brief facts of this complaint filed under section 18(1) of the Right to Information Act, 2005 (hereinafter referred to as the Act) are that the complainant sought for certain information from opponent No. 1 Public Information Officer (PIO). Aggrieved by the deemed denial, complainant filed appeal dated 27/09/2021 before respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 16/11/2021 directed PIO to furnish the information within 15 days. However, PIO did not furnish the information and the complainant preferred this complaint before the Commission.
2. Notice was issued to both the sides and the complaint was posted for hearing. Complainant Shri. Alexinho Rodrigues appeared alongwith Shri. Eusebio Braganza. On the other side, Shri. Prajot

Gauns Dessai, present PIO and Smt. Sushma P. Coulekar, the then PIO remained present, whereas FAA was represented by Shri. Pradeep M. Tamhankar under letter of authority. Shri. Prajot Gauns Dessai and Smt. Sushma Coulekar filed reply dated 24/02/2022 and Shri. Tamhankar filed submission dated 24/02/2022 on behalf of FAA. Complainant filed counter reply to the reply of PIO as well as FAA, on 17/03/2022.

3. Smt. Sushma P. Coulekar, the then PIO stated that the information sought by the complainant herein was dispatched to him on 25/10/2021 by hand delivery through the peon of the village Panchayat. However, the complainant refused to accept the information and the same was returned to the office of the PIO. Complainant never approached the PIO to collect the said information, after the order dated 16/11/2021 passed by FAA. On the contrary, false allegations are levelled by the complainant in the complaint memo. The then PIO further stated that, there is no deliberate and malafide intention on the part of the PIO as alleged by complainant and the information was kept ready.
4. Shri. Prajot Gauns Dessai, the present PIO stated that vide letter dated 10/02/2022 he intimated the then PIO regarding the matter before the Commission and vide letter dated 24/02/2022, he informed the complainant regarding the same. The present PIO orally stated that the information sought by the complainant is readily available and he wishes to furnish the same.
5. FAA submitted vide his submission that he has disposed the first appeal vide order dated 16/11/2021 directing the PIO to furnish the information within 15 days, hence he may be exempted from the complaint proceeding.
6. Complainant stated that the then PIO did not respond to his request within the stipulated period, hence he was compelled to file first appeal. The contention of PIO that she had dispatched the information by hand delivery on 25/10/2021, was refused by the complainant, as a blatant lie. The then PIO was present before FAA for hearing on 21/10/2021 and on subsequent dates, she could have furnished the information before the FAA and that would have closed the matter. The then PIO has wilfully, maliciously and malafidely denied the information and has compelled the complainant to file the present complaint before the Commission.
7. Complainant further stated that the FAA did not serve him notice thereby violated the principal of natural justice. He was unaware of

the hearing before the FAA and came to know about the same only when he visited the office of FAA, and then attended the proceeding, the said practice is unhealthy with respect to the spirit of the Act.

8. Upon perusal of all the submissions of both the sides, it is seen that the information sought by the complainant vide application dated 22/08/2021 is in public domain, not eligible for exemption under section 8 and /or section 9 of the Act. Hence the then PIO was required to furnish the same within the stipulated period i.e. on or before 21/09/2021. Yet the then PIO did not even reply to the complainant. The then PIO contends in her reply that she had dispatched the information on 25/10/2021 by hand delivery which was refused by the complainant. However, there is no any documental evidence to support her contention. Further it is observed that the then PIO attended hearing before the FAA, wherein she could have furnished the information during the proceeding of first appeal, which would have saved complainant of his efforts of filing the present complaint before the Commission and also would have proved the bonafide of the then PIO. Even so, the then PIO remained adamant and did not furnish the information.
9. On the other hand it is also noted that although the complainant claims that he visited PIO's office on various occasions, he has not brought on record any document to substantiate his contention. Copy of letter dated 2/12/2021 addressed to the Sarpanch/Secretary of Village Panchayat of Talaulim, enclosed by the complainant alongwith his reply does not pertain to the present matter, hence the same is not taken into consideration.
10. In the circumstances mentioned above, the Commission finds that the then PIO was required to furnish the information within the stipulated period, which she has failed to do so. Further, the then PIO was directed by the FAA to furnish the information within 15 days; here also the then PIO failed to adhere to the directions of the FAA. Hence the then PIO is guilty of not complying with the provisions of the Act. However, this being the first instance in the case of the then PIO, the Commission takes a lenient view and exempts the then PIO from penal action as provided in the Act.
11. However, Commission issues stern warning to Smt. Sushma P. Coulekar, the then PIO, to deal with RTI applications with more diligence, and utmost respect to the aim and provisions of the Act.

12. The present matter being the complaint filed under section 18 of the Act, the Commission has no jurisdiction to direct the PIO to furnish the information to the complainant. Nevertheless, during the hearing on 17/03/2022, Shri. Prajot Gauns Dessai, the present PIO furnished the information and the complainant endorsed the same. The Commission appreciates the initiative of the present PIO, with respect to the spirit of the Act.
13. In the light of above discussion, the complaint is disposed accordingly and the proceeding stands closed.

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