

## **GOA STATE INFORMATION COMMISSION**

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### **Appeal No.185/2023/SCIC**

Shri Allvin Facho,  
84, Casa Elvira, Paitona,  
Salvador do Mundo,  
Bardez-Goa 403107.  
V/s

----Appellant

1.The Public Information Officer,  
Secretary, Socorro Village Panchayat,  
Bardez-Goa.

2.The First Appellate Authority,  
Block Development Officer-II,  
Bardez, MapusaGoa 403507.

-----Respondents

**Shri. ARAVIND KUMAR H. NAIR- State Chief Information Commissioner, GSIC**

### **Relevant Facts Emerging from the Appeal.**

RTI application filed on	15-02-2023
PIO replied on	Nil
First Appeal filed on	29-03-2023
First Appellate order on	27-04-2023
<b>Second appeal received on</b>	<b>24-05-2023</b>
<b>Decision of the Second Appeal on</b>	<b>15-01-2025</b>

### **Information sought and background of the Appeal**

1. Shri Allvin Facho filed an RTI application dated 15/02/2023 to the PIO, Village Panchayat, Socorro seeking following information:
  - i. *"Certified copies of the Rules/Regulations/Panchayat Resolution/Gazette Notification for composition of house tax for residential premises.*
  - ii. *Certified copies of Rules/Regulations/Panchayat Resolution/Gazette Notification for imposition of house tax for commercial premises.*
  - iii. *Certified copies of the Rules/Regulations/Panchayat Resolution for composition of Trade tax for commercial activities conducted in Residential premises.*

- iv. *Certified copies of the Rules/Regulations/Panchayat Resolution/Gazette Notification for imposition of Trade tax for commercial purpose.*
  - v. *Certified copies of the Rules/Regulations/Panchayat Resolution/Gazette notification permitting the Panchayat to levy Trade tax of Rs. 200/- per sq. mt as well as one-month rental for commercial properties.*
  - vi. *Certified copies of Rules/Regulations/Panchayat Resolution/Gazette notification permitting the Panchayat to charge house tax for new structure obtaining occupancy certificate in mid of a year to be charged house tax for full year superseding section 8 of the Panchayati Raj Rule 1998."*
2. Failing to receive any reply/information from the PIO to his RTI application, Appellant filed first appeal dated 29/03/2023 before the First Appellate Authority (BDO-II Bardez) praying for direction to the Respondent PIO to furnish complete and correct information.
  3. FAA held hearings in the first appeal on 25/04/2023 and 27/04/2023 but Appellant remained absent on both the occasion and Adv. R. Kale appeared on behalf of the Respondent PIO. FAA vide order dated 27/04/2023 directed the Respondent PIO to furnish information to the Appellant within 15 days from the passing of the order.
  4. Failing to comply with the FAA's order by the Respondent PIO, Appellant preferred second appeal dated 24/05/2023 before the Commission praying for direction to the Respondent PIO to furnish information free of cost, impose penalty on Respondent PIO for not furnishing information within 30 days of the filing of RTI application and after FAA's order directing to provide information within 15 days of the order dated 27/04/2023, compensation and disciplinary proceedings against Respondent PIO.
  5. Pursuant to the Second appeal, parties were notified fixing the matter for hearing on 28/06/2023 for which Appellant appeared in person and Adv. Sanket Salgaonkar appeared on behalf of the PIO. For the hearing on 03/08/2023, Appellant appeared in person but none present for PIO. Representative of the PIO filed FAA's reply dated 02/08/2024 which stated

that "FAA (BDO-II, Bardez) has passed order dated 27/04/2023 directing the Respondent PIO (Secretary, V.P Socorro) to provide the required information which is available with the Village Panchayat records".

6. Appellant remained absent for the next two hearings but PIO was represented by his advocate.
7. During the hearing on 15/11/2023, Adv. Sanket Salgaonkar, appeared on behalf of the Respondent PIO, placed on record the reply of the PIO along with a copy of Official Gazette furnishing copy to the Appellant, who submitted that he is not satisfied with the information provided by the PIO with regards to the resolution of Panchayat. Adv. Sanket Salgaonkar on behalf of the Respondent PIO submitted that he will try to locate the information particularly copy of the resolution adopted by the Socorro Village Panchayat with regards to the imposition of Trade Tax and tax on residential and commercial purposes.
8. Matter was not heard from March 2024 to September 2024 as the post of SCIC remained vacant.
9. Matter taken up for hearing before the SCIC on 11/10/2024 but Appellant was absent. In the next hearing, Commission directed to serve notice on the Respondent PIO for his presence on the next date of hearing, 20/11/2024. Appellant appeared in person and Respondent PIO (Shri Satish Gauns) present alongwith Adv. Sanket Salgaonkar. Appellant requested the Commission that Respondent PIO be directed to furnish resolution passed on approval of Trade License and list of 5-10 trade license each issued from top line and bottom line. Accordingly, Commission directed the Respondent PIO to furnish the same to the Appellant before 5<sup>th</sup> December 2024.
10. Appellant and Respondent PIO's Advocate (Sanket Salgaonkar) were present for the hearing held on 13.12.2024. Respondent PIO's advocate submitted that complying with the direction of the Commission, 10 Establishment License (trade) has been furnished to the Appellant by the PIO vide letter dated 02/12/2024 and Appellant received the same on

06/12/2024. Appellant on his part requested for compensation and to initiate penalty proceedings against the Respondent PIO.

11. During the final hearing in the matter on 15/01/2025, Appellant Shri Allvin Facho and Respondent PIO Shri Satish R. Gauns appeared in person.

Regarding Panchayat Resolution/Rules/Gazette Notification on imposition of Trade Tax for commercial activities conducted in Residential premises, Respondent PIO submitted that Trade Tax in such cases is decided as per site inspection by Panchayat body and also based on the area as well as size of business activities, carried out. This reply has already been provided to the Appellant by the Respondent PIO vide letter dated 14/11/2023.

### **COMMISSION'S OBSERVATION**

- a) In the present appeal, Respondent PIO failed to dispose the application/request for information as per the provisions laid down under section 7(1) of the RTI Act and to discharge his duties and responsibilities as PIO of Village Panchayat Socorro.
- b) Section 7 of the RTI Act 2005 deals with procedure to be followed for disposal of request for information received from a citizen under Section 6 of the Act. The application/request for information must be disposed by the PIO either by providing the information fully or partly or rejecting the request applying the exemptions, within the prescribed time period in the RTI Act 2005.
- c) In the present Appeal No.185/2023/SCIC, Appellant's RTI application dated 15/02/2023 was inwards by Village Panchayat Socorro on 16/02/2023 but no reply/information provided to the Appellant by Respondent PIO, within the stipulated time frame or after.
- d) First Appellate Authority (BDO-II, Bardez) vide order dated 27/04/2023 directed the Respondent PIO to furnish information to the Appellant within 15 days from the passing of the order.

- e) In spite of FAA's order dated 27/04/2023 to provide information within 15 days, Respondent PIO failed to comply with the order prompting the Appellant to file Second appeal dated 24/05/2023.
  - f) Respondent PIO furnished reply to the Appellant only on 14/11/2023 after having four hearings in the Appeal from 28/06/2023 to 18/10/2023.
  - g) There is no justification to the delay caused by the Respondent PIO in furnishing information (November 14<sup>th</sup> 2023) to the Appellant's RTI application dated 15/02/2023 when the PIO is bound to provide information within stipulated period of 30 days and non-compliance of the order passed by the FAA.
  - h) During the final argument in the Appeal on 15/01/2025, Appellant requested for compensation but considering the facts and circumstances, perusal of records submitted with the second appeal, argument placed by the parties to the present appeal and observations of the Commission, the present Appeal does not warrant to grant compensation to the Appellant.
12. Compensation has to be awarded u/s 19(8) (b) of the RTI Act 2005 is for the loss or the detriment suffered "*on account of the denial of such information*" and there is no such determination by the Commission in the present matter.

### **DECISION**

- i. Since the Respondent PIO, Shri Satish R. Gauns, Secretary, Village Panchayat, Socorro furnished information to the Appellant on Commission's directions, present appeal is disposed off.**
- ii. The Respondent PIO's failure to dispose the RTI application as per Section 7(1) of the RTI Act 2005 and to comply with the order of the First Appellate Authority attracts maximum penalty u/s 20 (1) of the RTI Act 2005.**

- iii. **The Registry of the Commission is directed to issue show cause to the Respondent PIO, Shri Satish R. Gauns as to why maximum penalty should not be imposed.**
- iv. **Reply to the show cause notice should reach the office within 15 days on receipt of this order.**
- Proceedings stands closed.
  - Pronounced in Open Court.
  - Notify the parties.

Sd/-

**(ARAVIND KUMAR H. NAIR)**  
State Chief Information Commissioner, GSIC