

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 08/2023/SIC**

Shri. Narayan Datta Naik,  
H. No. 278/1 (3),  
Savorfond, Sancoale,  
Pin code 403710

-----Appellant

**v/s**

Shri. Raghuvir D. Bagkar,  
Public Information Officer,  
Village Panchayat Sancoale,  
Pin code No. 403710.

-----Respondent

**Relevant dates emerging from appeal:**

RTI application filed on	: 03/10/2022
PIO replied on	: 03/11/2022
First appeal filed on	: 11/11/2022
First Appellate Authority order passed on	: 06/12/2022
Second appeal received on	: 05/01/2023
Decided on	: 14/09/2023

**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 Shri. Raghuvir D. Bagkar, Public Information Officer (PIO), Secretary of Village Panchayat Sancoale, came before the Commission on 05/01/2023.
2. The brief facts of this appeal as contended by the appellant are that the PIO failed to furnish complete information within the stipulated period of 30 days and further did not comply with the direction of the FAA. Being aggrieved, the appellant has appeared before the Commission by way of second appeal.
3. The concerned parties were notified, pursuant to the notice, appellant appeared pressing for complete information as well as penal action against the PIO and grant of compensation to him. Appellant filed submission dated 01/03/2023. Shri. Raghuvir D. Bagkar, PIO appeared alongwith Advocate Siddhesh P. Patkar and filed reply dated 27/06/2023.
4. PIO stated that, the same appellant had previously asked for voluminous and bulky information where the appellant was requested

to visit Panchayat office to assist the PIO to identify and sort out the information. However, instead of visiting the office, appellant kept on filing applications and appeals only with the sole purpose to harass the PIO. That, the PIO had never denied any information and the delay in issuing the reply was unintentional.

5. PIO further submitted that, the appellant was requested to pay a sum of Rs. 462/- towards the charges of the certified copies of information which the appellant failed to pay. Thus, the information could not be furnished.
6. Appellant contended that, the PIO has intentionally denied him the information and he is unaware of the evil motive of the PIO to deny the information. That, he is seeking the information in larger public interest, to expose illegalities, irregularities and corrupt practices prevailing in the Village Panchayat Sancoale.
7. Advocate Siddhesh P. Patkar, while arguing on behalf of the PIO stated that, the appellant is filing so many applications and appeals under the Act which keeps the authority busy only to respond to these applications and furnish the information. Advocate Siddhesh P. Patkar relied on the Hon'ble Supreme Court of India in Civil Appeal No. 6454 of 2011 (arising out of SLP (c) 7526/2009) in Central Board of Secondary Education and Another v/s Aditya Bandopadhyay and Ors., by stating that the appellant by way of number of applications is compelling the PIO to spend his maximum time in non productive work of collecting and furnishing information.
8. Appellant in his arguments stated that, he had refused to pay the amount of Rs. 462/- since the reply was issued after 30 days and had asked the PIO to furnish the information free of cost, however, the PIO has failed to furnish any information to him.
9. Upon perusal of the available records of the present matter it is seen that, the PIO had responded to the application vide reply dated 03/11/2022 and requested appellant to pay Rs. 462/- towards the charges of certified copies and collect the information. However, appellant refused to make payment by registering his protest and asked PIO to furnish the information free of cost within two days. Although the reply was issued by the PIO after the stipulated period, the marginal delay of only one day has occurred, thus, can be condoned.

10. Hence, the Commission finds that the PIO had not denied the information to the appellant, it was the appellant who refused to pay and collect the information. This being the case, the Commission holds that the appellant is not eligible for free information, he is required to make requisite payment and collect the information from the PIO.
11. It is observed by the Commission that, the same appellant has been seeking all and sundry information, making indiscriminate requests to the PIO under the garb of exposing corrupt and illegal practices, however, the appellant nowhere has given any specific progress of unearthing corrupt practices or cases by the PIO or Sarpanch or any other officer of the public authority. Appellant should have been more specific and clear while making his contention regarding corrupt and illegal practices which would have substantiated his contention. However, the appellant has not succeeded in bringing to the fore, the larger public interest in seeking such bulky and voluminous information.
12. In the light of above discussion the Commission holds that the appellant has made indiscriminate requests for voluminous information, without specifying the larger public interest in seeking the said information. However, considering the aim and object behind enacting the Right to Information Act and the spirit of the Act, the appellant cannot be deprived of the requested information which is not exempted from disclosure under Section 8 or 9 of the Act. In the meanwhile, it is seen that Shri. Raghuvir D. Bagkar, PIO has been transferred and new Secretary has taken over as PIO of Village Panchayat Sancoale. The present Secretary being unaware of the instant matter may not be able to process the request of the appellant made vide application dated 03/10/2022, within a fixed timeline. Therefore, the Commission concludes that the appellant is required to visit office of present PIO in order to inspect and identify the information he had sought, and then the PIO shall furnish the said information to the appellant.
13. Hence, the present appeal is disposed with the following order:-
  - a) The appellant, if desires, may visit PIO's office with prior intimation and inspect and identify the information sought vide application dated 03/10/2022, within 10 days from the receipt of this order.
  - b) Present PIO of Village Panchayat Sancoale is directed to provide for inspection to the appellant as mentioned in para

(a) above and furnish the identified information by the appellant, within 10 days from the date of inspection, after receiving requisite charges against the information from the appellant.

c) 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.