

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 110/2023/SIC**

Mr. Deepak Netardekar,  
R/o. BF-2, Crishali Residency,  
Vidhyanagar, Aquem,  
Margao-Goa 403601.

-----Appellant

**v/s**

1. The Public Information Officer,  
Director (Administration),  
The Sports Authority of Goa,  
Athletic Stadium, Bambolim-Goa 403006.

2. The First Appellate Authority,  
Executive Director,  
Sports Authority of Goa,  
Athletic Stadium, Bambolim-Goa 403006.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 04/08/2022
PIO replied on	: 14/09/2022
First appeal filed on	: 06/10/2022
First Appellate Authority order passed on	: 07/12/2022
Second appeal received on	: 29/03/2023
Decided on	: 26/06/2023

**ORDER**

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought information on ten points. It is the contention of the appellant that PIO failed to furnish the information within the stipulated period, hence, he filed appeal before the First Appellate Authority which was also not disposed by the authority within the mandatory period. Being aggrieved, appellant under Section 19 (3) of the Act, filed second appeal against Respondent No. 1, Public Information Officer (PIO), Director (Administration), Sports Authority of Goa (SAG) and Respondent No. 2, First Appellate Authority (FAA), Executive Director, Sports Authority of Goa (SAG), which came before the Commission on 29/03/2023.
2. Pursuant to the notice, Advocate Gauresh Malik appeared on behalf of the appellant praying for complete information and filed rejoinder dated 01/06/2023. Shri. Deepesh Priolkar, present PIO appeared initially and later on 16/05/2023 reply was filed on his behalf.

3. PIO stated that, the then PIO had provided information available in his records and whatever information was not available was sought from the Goa Judo Association and furnished to the appellant. That the PIO had made all possible efforts to get the information from the Goa Judo Association, however, the said association being the private body, he could not forward the applications under Section 6 (3) of the Act, to the association.
4. PIO further submitted that, while furnishing the available information the President of Goa Judo Association informed that no records of 20 years are available with the association. Thus, the PIO has not withheld any information from their records and has made genuine efforts to get information from Goa Judo Association and to furnish the same to the appellant.
5. Appellant stated that, it was the duty of the PIO to furnish information within 30 days and the FAA was mandated to decide the first appeal within maximum of 45 days, whereas, both the authorities have failed to comply with the Act. PIO did not furnish information within the stipulated period, later furnished information, yet, complete information is not received from the PIO. Similarly, FAA during the hearing on 07/12/2022 after the expiry of mandatory period, orally directed PIO to furnish information to the appellant, however, he neither received copy of FAA's order nor any communication from the FAA.
6. Further, vide rejoinder dated 01/06/2023 appellant denied the contention of the PIO that he was contacted by the PIO to collect the information. PIO stated, during the present proceeding that he furnished additional information, yet, the appellant has not received information on point nos. 7, 8 and 9 of his application.
7. Upon perusal it is seen that, the appellant vide application dated 04/08/2022 had requested for information on 10 point, pertaining to Goa Judo Association. Appellant received no reply within the stipulated period. However, it is noted that Shri. Navin Acharya, Assistant Director (Programme) wrote to Shri. Gurudatta D. Bhakta, President of Goa Judo Association to furnish the information and whatever information available in the records of the PIO alongwith information received from Goa Judo Association was furnished vide letter dated 14/09/2022 by Shri. Shankar B. Gaonkar, Director (Administration)/ the then PIO, to the appellant.

8. Appellant, aggrieved by non receipt of complete information approached the FAA for appropriate direction to be issued to the PIO. Hearing was conducted by the FAA, however, it is the contention of the appellant that only oral instruction was given to the PIO and no order was passed. Whereas, PIO submitted that he was not present before the FAA and received no intimation from the FAA with respect to the order / direction.
9. It is seen that, Shri. Deepesh Priolkar, Director (Administration) and the present PIO during the present proceeding on 16/05/2023 furnished additional information to the appellant, part of which was sought from Goa Judo Association. Nonetheless, appellant contends that he has not received information on point nos. 7, 8 and 9 of the application.
10. Appellant has sought information on point nos. 7, 8 and 9 of his application as follow:-
  - “7. Detailed bills and money reimbursed to Goa Judo Association by SAG with respect to State Championships for last 20 years.
  8. Following details submitted by Goa Judo Association with respect to Lusofonia Games which were held in Goa in 2014.
    - a. Date & venue of selection trials to select probables.
    - b. Officials of Selection Committee of the Selection Trials (SC)
    - c. Public notice/ information on local newspapers with regards to Section trials mentioning date, time and venue.
    - d. Expenditure bills of players and officials.
  9. Copies of complaints / Allegations made to S.A.G. against Goa Judo Association by students, parents or members of general public.
11. (a) Under point no. 7 the appellant had requested for details of amount reimbursed to Goa Judo Association. Since the amount was reimbursed by the office of the PIO, i.e. Sports Authority of Goa, the said information has to be available in the records of the PIO.  
  
(b) Under point no. 8 the appellant had requested for details with respect to Lusofonia Games submitted by Goa Judo Association to Sports Authority of Goa, meaning office of the PIO. Since the details were submitted to the PIO's office, the said information has to be available in the records of the PIO.  
  
(c) Under point no. 9 the appellant had requested for details of complaints / allegations made to Sports Authority of Goa against Goa

Judo Association. Since the complaints/ allegations were submitted to the said authority, which is the office of the PIO, the said information has to be available in the records of the PIO.

12. With the findings as mentioned in the above para, the Commission holds that the PIO is required to have custody of the information on point nos. 7, 8 and 9. Hence, the same has to be furnished to the appellant. It is seen from the reply of the PIO dated 14/09/2022 to the appellant that with respect to the information on point nos. 7, 8 and 9, PIO had stated that "application has been transferred to Goa Judo Association to provide necessary information vide letter dated 12/09/2022". The Commission observes that, there was no need for the PIO to request Goa Judo Association to furnish the said information when the office of the PIO was mandated to have such information in their possession. It is possible that Goa Judo Association might have not furnished those details to Sports Authority of Goa. In such a case reply of the PIO should have been accordingly.
13. Thus, the Commission concludes that the public authority in the present matter, Sports Authority of Goa is required to have information on point nos. 7, 8 and 9 in their records, hence, PIO is mandated to furnish the same to the appellant. Else, PIO will have to swear on affidavit that the said information is not available in his records.
14. Before closing, it is noted that the PIO and the FAA, both have disrespected the provisions of the Act. PIO, by not responding to the application within 30 days, as required under Section 7 (1) of the Act. FAA, by not deciding the first appeal within maximum of 45 days, as required under Section 19 (6) of the Act. Also, the FAA should remember that it is his responsibility under the Act, to send a copy of his order to the concerned parties. Both the officers, being senior administrators, are expected to honour provisions and respect spirit of the Act.
15. In the light of above discussion, the present appeal is disposed with the following order:-
  - a) Appeal is partially allowed.
  - b) PIO is directed to furnish information on point nos. 7, 8 and 9 sought by the appellant vide application dated 04/08/2022, within 10 days from the receipt of the order, free of cost.

c) PIO is directed to file an affidavit before the Commission stating the information on point nos. 7, 8 and 9 of the application dated 04/08/2022, sought by Shri. Deepak Netardekar, appellant, is not available, in case PIO is unable to furnish the information as directed above (a), within 20 days from the receipt of this order.

d) All others 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.