

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 148/2023/SIC**

Shri. Jawaharlal T. Shetye,  
H. No. 35/A Ward No. 11,  
Khorlim, Mapusa-Goa 403507.

-----Appellant

v/s

1. The Public Information Officer,  
The Head Clerk (Rajendra Bagkar),  
Mapusa Municipal Council,  
Mapusa-Goa 403507.

2. The First Appellate Authority,  
The Chief Officer (Mr. Amitesh Shirvoikar),  
Mapusa Municipal Council,  
Mapusa-Goa 403507.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 24/01/2023
PIO replied on	: Nil
First appeal filed on	: 01/03/2023
First Appellate Authority order passed on	: 23/03/2023
Second appeal received on	: 02/05/2023
Decided on	: 25/09/2023

**ORDER**

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought from Respondent No. 1, Public Information Officer (PIO) certain information. Being aggrieved by non receipt of the information within the stipulated period, he filed first appeal before Respondent No. 2, First Appellate Authority (FAA). The said appeal was disposed by the FAA with direction to the PIO to furnish the information.
2. It is the contention of the appellant that the direction issued by the FAA was not complied by the PIO, hence, he was compelled to prefer second appeal in order to get complete information.
3. The concerned parties were notified, pursuant to which Shri. Rajendra Bagkar, PIO appeared in person, however, filed no reply. Appellant appeared and argued for information as well as penal action against the PIO.
4. Appellant while arguing on 30/08/2023 stated that, order of the FAA is very clear and it was mandatory on the PIO to comply with it by

furnishing the information. In response, PIO sent one letter, but furnished no information. Thus, he prays for the information as well as penal action against the PIO.

5. Upon perusal of the records of the matter, it is seen that the PIO, as contended by the appellant, had failed to furnish any information within the stipulated period. Later, while disposing the first appeal FAA issued direction to the PIO to furnish the information within 15 days. The said order was passed by the FAA on 23/03/2023, meaning PIO was required to furnish the information on or before 08/04/2023.
6. PIO vide letter dated 06/04/2023 informed the appellant that "As per the Annexure A enclosed by the applicant with above mentioned RTI appeal, no action has been taken." It is seen that the appellant vide application dated 24/01/2023 had requested for information on five points with respect to a representation dated 21/07/2022 made to the office of the PIO. According to the reply dated 06/04/2023 issued by the PIO it appears that the authority has not taken any action on the said representation. The Commission observes that even if presumed that no action has been taken by the authority, at least part information such as notings, correspondence and names and designation of responsible officer, as sought by the appellant was required to be furnished by the PIO, yet PIO failed to do so.
7. Later, during the appeal proceeding Shri. Rajendra Bagkar, PIO appeared and requested for time to furnish the information. Time was granted on more than three occasions, yet no compliance came forth. The Commission reminds the PIO that the Act requires him to furnish the information in specific time frame. PIO may seek more time to collect and provide the information if the requested information is bulky and voluminous or very old. However, the Act does not allow the PIO to keep requesting for more time on every occasion, without furnishing a single piece of information.
8. The Commission finds that the PIO had failed to respond to the application within 30 days, as required under Section 7 (1) of the Act. Later, he failed to comply with the direction of the FAA. Thenafter he was granted opportunities to furnish the information during the present proceeding, wherein he once again failed.
9. This being the case, the Commission concludes that the PIO is guilty of not furnishing the complete information to the appellant, thus, Section 20 of the Act is required to be invoked against him for initiating penal action for his failure to comply with the provisions of

the Act and also failure to adhere with the direction of the appellate authorities. However, hearing will be given to the PIO before imposing any penalty.

10. In the light of above discussion, the instant appeal is disposed with the following order:-
- a) The present PIO is directed to furnish information sought by the appellant vide application dated 24/01/2023, within 20 days from receipt of this order, free of cost.
  - b) Issue show cause notice to Shri. Rajendra Bagkar, the then PIO, Mapusa Municipal Council and the PIO is further directed to show cause as to why penalty as provided under Section 20 (1) and 20 (2) of the Act, should not be imposed against him.
  - c) Shri. Rajendra Bagkar, the then PIO is hereby directed to remain present before the Commission on **23/10/2023 at 10.30 a.m.** alongwith the reply to the showcause notice.
  - d) The Registry is directed to initiate penalty proceeding against Shri. Rajendra Bagkar, the then PIO.

Proceeding of the present appeal 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.