

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 224/2023/SIC**

Mr. Shrikant Vishnu Gaonker,  
FA-505, Sinari Apartments,  
Near Datta Mandir Ribandar Patto,  
Ribandar Goa 403006.

-----Appellant

**v/s**

1. The Public Information Officer,  
Office of the Commissioner,  
Corporation of the City of Panaji-Goa.

2. The First Appellate Authority,  
Office of the Commissioner,  
Corporation of the City of Panaji,  
Panaji-Goa 403001.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 03/03/2023
PIO replied on	: 03/04/2023
First appeal filed on	: 18/04/2023
First Appellate Authority order passed on	: 18/05/2023
Second appeal received on	: 22/06/2023
Decided on	: 30/10/2023

**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 No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 22/06/2023.
2. The brief facts of this case as contended by the appellant are that, he had sought information on ten points including inspection of some files, however, the PIO furnished incomplete information. Thus, he filed first appeal before FAA. The said appeal was heard, yet the appellant received no copy of the order from the office of the FAA. It is the contention of the appellant that, Shri. Siddhesh B. Naik, PIO of Taxation Section and Shri. Vivek Parsekar, PIO of Technical Section have blatantly violated provisions of the Act, hence, he is seeking appropriate action against them alongwith the complete information.
3. Notice was issued to the concerned parties pursuant to which, appellant appeared in person. Both PIOs appeared in person and

undertook to furnish the information as well as provide inspection to the appellant. Shri. Siddhesh B. Naik, PIO filed reply dated 06/10/2023. FAA appeared through his authorised representative, filed reply dated 28/08/2023. Appellant filed rejoinder dated 17/10/2023.

4. Shri. Siddhesh B. Naik, PIO, Taxation Section stated that, information sought on point nos. 4 to 10 of the application pertained to his section. That, the PIO had furnished the information pertaining to his section, however, the appellant was not satisfied. Further, vide letter dated 28/08/2023 he requested the appellant to collect the additional information and the same was collected by the appellant on 08/09/2023. Thus, the PIO requests for disposal of the matter.
5. Shri. Vivek Parsekar, PIO, Technical Section vide oral submission stated that, information on point nos. 1, 2 and 3 of the application pertained to his section and in compliance with the direction issued by the FAA, he has furnished the said information to the appellant. That, the PIO is willing to provide inspection of relevant records, if the appellant desires to inspect.
6. FAA submitted that, vide Roznama order dated 18/05/2023 he has disposed off the first appeal, within the mandatory period, with directions to both the PIOs to furnish the information within 20 days.
7. Appellant stated that, though he has received the information, both the PIOs have caused him harassment by their negligent and irresponsible conduct of furnishing the information after much delay. Also, the FAA was required to send copy of the order passed by him, which was not sent, on the contrary he was asked to visit FAA's office and collect the copy of the order. Hence, he request for stern action against the respondents.
8. Upon perusal of the records, it is seen that, the appellant had sought information on 10 points, including inspection of relevant records. Information pertains to two sections, i.e. Taxation and Technical. PIOs of both sections initially failed to furnish complete information to the appellant. Further, FAA directed PIO, Technical Section to furnish information on point no. 1, 2 and 3, whereas PIO, Taxation Section was directed by the FAA to furnish the information on point nos. 4 to 10. Both to PIOs were asked to comply with the order within 20 days. Further, both the PIOs failed to furnish information as directed by the FAA, however, undertook before the Commission to furnish complete information to the appellant.

9. It is observed that both the PIOs as undertaken, has furnished the information and same has been received by the appellant. Also, as undertaken, inspection of the documents desired by the appellant has been provided. Therefore, complete information has been furnished by both PIOs.
10. Hon'ble High Court of Bombay at Goa in Writ Petition No. 704 of 2012 (Public Authority and others V/s Shri. Yeshwant Tolio Sawant) has held:-

"Imposition of such a penalty is a blot upon the career of the officer, at least to some extent. In any case, the information was ultimately furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay is required to be accepted and infact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO."
11. Hon'ble High Court of Bombay at Goa bench, in Writ Petition No. 205/2007, Shri. A. A. Parulekar V/s Goa State Information Commission, has held that:-

"The Order of Penalty for failure is akin to action under Criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."
12. Subscribing to the above mentioned ratio laid down by the Hon'ble High Court, the Commission maintains that, invoking of Section 20 of the Act against the PIOs is inappropriate. However, Shri. Siddhesh B. Naik and Shri. Vivek Parsekar, both PIOs are hereby issued stern warning to deal with the applications hereafter strictly as provided by law.
13. The Commission notes that, though the FAA disposed first appeal vide order dated 18/05/2023, the appellant did not receive copy of the order. The Act mandates the authority to furnish copy of order to the parties concerned. Hence, the Commission directs the FAA, Commissioner of Corporation of the City of Panaji, to ensure hereafter that the copy of the order passed by him while disposing first appeal is sent to the concerned parties immediately upon disposal of the matter.
14. In the background of the facts and findings of this matter as mentioned above, the Commission concludes that since nothing

survives in the present appeal proceeding, no more intervention of this authority is required and the instant appeal needs to be disposed.

15. Hence, the present appeal is disposed accordingly and the 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.