

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 232/2023/SIC

Shri. Nazareth Baretto,
R/o. H. No. 126,
Borda, Margao,
Salcete Goa 403602.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Block Development Officer,
Salcete Block, Margao-Goa 403602.

2. The Public Information Officer,
Office of the Village Panchayat of Rumdamol Davorlim,
Salcete Goa 403607.

3. The First Appellate Authority,
The Deputy Director of Panchayats,
South, Margao-Goa.

-----Respondents

Relevant dates emerging from appeal:

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| RTI application filed on | : 14/02/2023 |
| Application transferred on | : 17/02/2023 |
| PIO replied on | : 20/02/2023, 10/03/2023 |
| First appeal filed on | : 11/04/2023 |
| First Appellate Authority order passed on | : 31/05/2023 |
| Second appeal received on | : 04/07/2023 |
| Decided on | : 21/12/2023 |

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), Block Development Officer, Margao, Respondent No. 2, Public Information Officer (PIO), Village Panchayat of Rumdamol Davorlim and Respondent No. 3, First Appellate Authority (FAA), Deputy Director of Panchayats, South, Margao-Goa, which came before the Commission on 04/07/2023.
2. The brief facts of this appeal as contended by the appellant are that, he was furnished only part information by Respondent no. 1, PIO and the application was transferred under Section 6 (3) of the Act to Respondent No. 2, PIO. Upon not receiving remaining information from Respondent No. 2, PIO, the appellant filed first appeal before Respondent No. 3, FAA. The said appeal was dismissed vide order dated 31/05/2023.

3. It is the contention of the appellant that both the PIOs have not furnished complete information. Further, the FAA did not issue notice for appearance to Respondent No. 2, PIO, Village Panchayat Rumdamol Davorlim despite making the said PIO the party in the appeal memo. Appellant, praying for the complete information, also pressed for penal action against the respondents for not honouring provisions of the Act.
4. Pursuant to the notice, appellant appeared, filed submission dated 28/08/2023, written arguments dated 30/10/2023 and yet another submission dated 01/12/2023. Reply from Respondent No. 1, PIO was received in the entry registry on 10/08/2023. Respondent No. 2, PIO, Shri. Sanjeev Naik appeared in person, though filed no reply. Shri. Nicolau Rodrigues , Office Superintendent appeared on behalf of Respondent No. 3, FAA and filed submission on 16/10/2023.
5. Respondent No. 1, PIO, Block Development Officer, Margao stated that, he had furnished information on point no. 3, which was available in his records and with respect to information on point no. 1, 2 and 4, he transferred the application to Respondent No. 2, PIO, Village Panchayat Rumdamol Davorlim.
6. Respondent No. 3, FAA submitted that, upon hearing both the sides he held that Respondent No. 1, PIO had furnished the available information and rightly transferred the application to Respondent No. 2, PIO, Village Panchayat Rumdamol Davorlim for providing the remaining information. That, he heard and disposed the appeal within the time period as provided by law.
7. Appellant stated that, both the PIOs initially did not furnish complete information. However, upon continuous follow up by him, Respondent No. 1, PIO furnished information on point no. 3 and Respondent No. 2, PIO furnished information on point no. 1 and 4. That, he has not received information on point no. 2 of his application. Also that, he is aggrieved by the dismissal of first appeal by the FAA.
8. Upon perusal, it is seen that, the appellant had sought information on four points and none of the PIO claimed any exemption from disclosure. Also, the information is required to be available in the office of the PIOs. Thus, the appellant has to be provided with the complete information.

9. Further, it is observed that, finally Respondent No. 1, PIO had furnished information on point no. 3 and it was the responsibility of Respondent No. 2, PIO to furnish complete information pertaining to point no. 1, 2 and 4. However, appellant contends that he was provided with information only on point no. 1 and 4 and documents sought under point no. 2 of his application are not furnished by Respondent No. 2, PIO.
10. The appellant vide application dated 14/02/2023 had sought under point no. 2 the copies of documents relied upon by the party /applicant to obtain house tax under Section 153 (1A) of the Goa Panchayat Raj Act, 1994, before Village Panchayat of Rumdamol Davorlim since the coming in force of the Circular No. 19/DP/ALL BDOs/2021/6270 dated 25/10/2021 till date.
11. The Commission finds that the documents sought by the appellant, as mentioned above, are required to be part of records of the Village Panchayat Rumdamol Davorlim. Shri. Sanjeev Naik, present PIO (Respondent No. 2) appeared in person before the Commission, however, filed no reply justifying his action. The PIO was directed to furnish the remaining information to the appellant. Yet, appellant vide submission dated 01/12/2023 has brought to the notice of the Commission that he was still not provided the requisite information. Hence, direction needs to be issued to the PIO of Village Panchayat of Rumdamol Davorlim to furnish remaining information.
12. In the light of above discussion, the present appeal is disposed with the following order:-
 - a) Respondent No. 2, PIO, Village Panchayat Rumdamol Davorlim is directed to furnish information on point no. 2, sought by the appellant vide application dated 14/02/2023, within 10 days from receipt of this order, free of cost.
 - b) 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.