

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 262/2023/SIC**

Thomas L. Sequeira,  
R/o. 245, Premeiro Vaddo,  
Corjuem, Aldona,  
Bardez-Goa 403508.

-----Appellant

**v/s**

The Public Information Officer,  
The Secretary Village Panchayat Aldona,  
Aldona, Bardez-Goa.

-----Respondent

**Relevant dates emerging from appeal:**

RTI application filed on	: 27/03/2023
PIO replied on	: Nil
First appeal filed on	: 08/05/2023
First Appellate Authority order passed on	: 19/06/2023
Second appeal received on	: 25/07/2023
Decided on	: 22/12/2023

**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 provide inspection of relevant documents and furnish the information requested by the appellant.
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, appellant appeared in person and filed submission dated 16/11/2023. Respondent PIO was represented by Advocate Velinda Fernandes, Advocate Mark Valadares and Advocate Seema Rivankar, reply dated 26/09/2023 was filed on behalf of the PIO. Smt. Navanya Goltekar, PIO appeared in person on 20/12/2023, however filed no submission.
4. PIO stated that, she had requested the appellant when he had visited PIO's office, to inspect the files as the information sought was

voluminous. However, appellant after inspecting the records filed first appeal. Further, upon disposal of the first appeal, appellant visited PIO's office, inspected relevant documents and submitted application dated 20/06/2023 seeking the desired and identified information.

5. PIO further contended that, even after being assured of the requested information, appellant has approached the Commission with distorted and false averments. That, the appellant is only attempting to portray the PIO in bad light for reasons best known to him.
6. Appellant submitted that, the PIO has not provided any information within the stipulated period and also after the inspection carried out by him as directed by the FAA, nor has communicated anything in the instant matter till date. The averments made in the reply dated 26/09/2023 are false, perverse and mischievous and is an attempt to build a false narrative with distorted facts.
7. Appellant further argued that, after inspection of the records as directed by the FAA, he had identified the desired information which is about 25 pages and vide application dated 20/06/2023, had requested the PIO to furnish the same. In spite of these efforts, PIO furnished no information, which compelled him to file second appeal before the Commission.
8. Upon perusal of the records of the present matter, it is seen that, the application of the appellant was not replied by the PIO within the stipulated period of 30 days. No reply amounts to deemed denial of the request as per Section 7 (2) of the Act. Although, the PIO contends that she requested the appellant to carry out inspection, she has produced no document on record to substantiate her contention. Thus, the Commission finds that the appellant was compelled to file first appeal in view of the deemed denial of his request.
9. Further, the appellant visited PIO's office and inspected the relevant records as directed by the FAA and vide application dated 20/06/2023 submitted list of desired information. PIO was directed by the FAA vide order dated 19/06/2023 to furnish the information within five days. However, in spite of FAA's direction and appellant's submission, PIO furnished no information. Appellant, after waiting for more than a month, was again compelled to file second appeal before the Commission.

10. It is seen that, the appellant has not made any false averments against the PIO, rather, he waited first, till the expiry of the stipulated period, then he again waited for a month to allow the PIO to comply with the direction of the FAA. Yet, the PIO, with her stubborn and arrogant conduct, did not bother to furnish information to the appellant.
11. 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, she failed to comply with the direction of the FAA. Thenafter, she was granted opportunity to furnish the information during the present proceeding, wherein she once again failed.
12. 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 her for initiating penal action for her 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.
13. 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 27/03/2023, within 10 days from receipt of this order, free of cost.
  - b) Issue show cause notice to Smt. Navanya Goltekar, PIO, Village Panchayat Aldona and the PIO is further directed to show cause as to why penalty as provided under Section 20 (1) of the Act, should not be imposed against her.
  - c) In case Smt. Navanya Goltekar is transferred, then the present PIO is directed to serve this notice alongwith the order, to the then PIO and produce the acknowledgment before the Commission on or before the next date of hearing, alongwith the present address of the then PIO.
  - d) Smt. Navanya Goltekar, PIO is hereby directed to remain present before the Commission on **22/01/2024 at 10.30 a.m.** alongwith the reply to the show cause notice.
  - e) The Registry is directed to initiate penalty proceeding against Smt. Navanya Goltekar, 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.