

**GOA STATE INFORMATION COMMISSION**

“Kamat Towers” 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

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

**Appeal No. 88/2023/SIC**

Joan Mascarenhas E D’ Souza,  
H.No. 315/4, Tropa Vaddo, Sodiem,  
Bardez-Goa.

-----Appellant

**v/s**

The Public Information Officer,  
Mahima Madan, IAS,  
The Block Development Officer,  
Mapusa-Goa.

-----Respondent

**Relevant dates emerging from appeal:**

RTI application filed on	: 29/11/2022
PIO replied on	: Nil
First appeal filed on	: 08/02/2023
First Appellate Authority order passed on	: 28/02/2023
Second appeal received on	: 10/03/2023
Decided on	: 05/09/2023

**ORDER**

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the ‘Act’) had sought information from Respondent Public Information Officer (PIO), Block Development Officer, Mapusa Goa, as per the following details:-

Certified copies of the following :-

Details of the current status of the case No. 1/ADM/BDO-BAR/2018-19/3277 (Mrs. Joan Mascarenhas E. D’ Souza (complainant) v/s. Smt. Deepti Mandrekar (opponent)).

2. It is the contention of the appellant that, she received no reply and no information from the PIO inspite of number of visits to the office of the PIO. Appellant further contends that, she was compelled to file the first appeal, which was disposed by the First Appellate Authority (FAA) by directing the PIO to furnish the information within 10 days by Registered Post. Yet, the information was not furnished, thus the appellant has appeared before the Commission by way of second appeal.
3. Pursuant to the notice, Shri. Umesh Shetgaonkar, Village Panchayat Secretary, BDO Bardez (HQ) appeared on behalf of the PIO and filed reply on 27/04/2023. Later, on 28/06/2023 Shri. Prathamesh A.

Shankardas, present PIO appeared in person and filed submission. Advocate Shashikala Chavhan appeared on behalf of the appellant and filed written arguments on 08/06/2023.

4. Shri. Prathamesh A. Shankardas, PIO stated that, Smt. Mahima Madan was temporarily holding charge of the PIO's office during the stipulated period of the application and she was undergoing training, hence, could not furnish information. Shri. Prathamesh A. Shankardas, present PIO further stated that, upon taking charge he immediately verified the position of the instant matter and furnished the information to the appellant. That, he could not furnish the information earlier since he was on official tour to Orissa. PIO further submitted that, he and the then PIO never refused the information, nor the delay caused was intentional.
5. Advocate Shashikala Chavhan while arguing on behalf of the appellant stated that, the PIO at first instance failed to furnish the information within the stipulated period. Later when directed by the FAA to dispatch the information to the appellant by Registered Post, PIO issued letter dated 01/03/2023 to collect the information, thereby, contravened the FAA's direction. Finally, appellant received the information only after the second appeal was filed. The said chronology of events has caused delay of 108 days in providing the information to the appellant. Therefore, she prays for penal action against the PIO.
6. Upon perusal of the records, it is seen that, the contention of the appellant regarding failure of the PIO to furnish the information as provided under Section 7 (1) of the Act is correct and the Commission observes that the PIO had not even responded to the appellant within the stipulated period of thirty days. Next, subsequent to the direction of the FAA, the PIO should have dispatched the information to the appellant by Registered Post.
7. However, as explained by the present PIO, the then PIO was not enjoying regular posting as PIO/ BDO of Bardez Taluka. She was temporarily holding charge of the PIO's office and during the same period was undergoing training. Thus, in the considerate opinion of the Commission, it does not look like the then PIO, had any intentions in mind to harass the appellant. On the other hand, the appellant too, has not brought on record any evidence to substantiate her contention of deliberate harassment by the then PIO.

8. It appears from the available records that Shri. Prathamesh A. Shankardas, present PIO, after taking charge as PIO/ BDO of Bardez Taluka, verified the position of the matter and dispatched the information vide letter dated 17/04/2023 which was received by the appellant on 18/04/2023, thereby complying the direction of the FAA.
9. The Commission notes that the information sought by the appellant has been furnished, the same has been acknowledged by the appellant. Although there is delay in furnishing the information, no deliberate or intentional attempt to delay the disclosure was witnessed by the Commission. Hence, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa in Writ Petition No. 205/2007 (Shri. A.A. Parulekar v/s Goa State Information Commission) and Writ Petition No. 704/2012 (Public Authority and Other v/s Yeshwant Tolio Sawant) and considering the facts of the present case, the Commission concludes that the penal action against the PIO as prayed by the appellant is not required and the matter needs to be closed.
10. Thus, 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.