

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 254/2022/SIC

Shri. Victor Gomes,
F-2, Rajvihar PH-II, Aquem-Alto, Margao,
Salcete-Goa

---Appellant

V/s

1. The Public Information Officer (PIO),
Secretary of Village Panchayat,
Davorlim/Dicarpale, Salcete, Goa, 403601
 2. Block Development Officer of Salcete,
Mathany Administrative Complex South Goa,
Margao, Salcete-Goa. 4032601
-Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 11/07/2022
PIO replied on	: 08/08/2022
First appeal filed on	: 11/08/2022
First Appellate Authority order passed on	: 06/09/2022
Second appeal received on	: 23/09/2022
Decided on	: 06/03/2023

ORDER

1. The brief facts of this appeal are that the appellant under section 6(1) of the Right to Information Act (hereinafter referred to as the 'Act') had sought information on three points. Aggrieved by non furnishing of the information, he preferred appeal before the FAA, which was disposed vide order dated 06/09/2022. Being aggrieved, appellant under section 19(3) of the Act, filed second appeal against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 23/09/2022.
2. Pursuant to the notice, appellant appeared in person, pressed for the information vide submission dated 29/11/2023 and 06/03/2023. Shri. Mario Viegas, the then PIO appeared in person and filed reply on 01/11/2022 and 11/01/2023. Shri. Pradeep

Tamhankar, V. P. Secretary appeared on behalf of FAA under authority letter and filed reply dated 01/11/2022.

3. Appellant stated that, the information sought by him is denied by the PIO without making any efforts and that the PIO is trying to misguide the authority by giving false information. Appellant further contended that he on several occasion approached the PIO to get the information, however, PIO refused to entertain the appellant and furthermore refused to furnish the information. In view of this the PIO may be directed to furnish the complete information.
4. Shri. Mario Viegas, the then PIO submitted that he has given all cooperation to the appellant whenever he attended the office of PIO. Similarly, appellant was telephonically requested to collect the information and upon failure of the appellant to attend PIO's office, letter dated 08/08/2022 was posted within the stipulated period, requesting the appellant to come and collect the information after paying necessary fees.
5. FAA stated that, he had passed order dated 06//09/2022 on the first appeal to provide the required pending information free of cost within 15 days and that the FAA has no further role in the present matter.
6. Upon perusal of the record of the present appeal and the replies and submissions of both the sides, it is seen that, the appellant vide application dated 11/07/2022 had sought information on three points. PIO, vide reply dated 08/08/2022 requested the appellant to come and collect the information after paying necessary charges. However, appellant has produced record showing he received the said reply on 18/08/2022, which is after the stipulated period. Thus, appellant did not collect the information and is insisting on information free of charge and penal action against the then PIO.
7. Here, the Commission observes two things, One - PIO's reply though dated 08/8/2022 it is not clear on which day the same was posted. As per the available records, appellant received the reply on 18/08/2020, after the stipulated period. Hence, appellant has to be furnished the information free of cost. Two- though the

appellant received the said reply after stipulated period of 30 days, the delay is marginal and for such marginal delay of four days, penal action against the then PIO cannot be justified. Therefore the Commission concludes that the appellant deserves the information free of costs, however no penal action needs to be initiated against the then PIO.

8. It is also noted that the PIO vide reply dated 08/08/2022 had offered the appellant to furnish information only on point No. 3, and denied the information on point No. 1 and 2 by stating that the same is not available in office records. However, during the hearing it was discovered that the house number quoted by the appellant in the application was not accurate, hence, PIO could not trace the relevant information. This being the case, the then PIO cannot be blamed for not furnishing information on point no. 1 and 2 of the said application, since the details provided to get information on point No. 1 and 2 are not sufficient.
9. Further, during the hearing on 06/02/2023 Shri. Prajyot Dessai, the present PIO appeared and undertook to search the records alongwith the appellant and furnish the information, sought by the appellant. Appellant agreed to visit PIO's office to inspect and help the present PIO identify the relevant documents. Shri. Prajyot Dessai, the present PIO gave undertaking before the Commission to provide all possible help to the appellant and abide by the direction of the Commission.
10. Later, vide submission dated 06/03/2023, appellant brought to the notice of the Commission that vide letter dated 10/02/2023 he has furnished clarification on the information he had sought. Yet , the present PIO vide letter dated 01/03/2023 informed the appellant that he requires details of applicant name and correct details of house number, in order to furnish information on point No. 2 and 3.
11. Upon perusal of the above mentioned records the Commission notes that the present PIO has not denied the information on point No. 2 and 3, rather, has requested the appellant to provide details of applicant's name and correct house number. PIO has undertaken to furnish the information on point No. 2 and 3 once these details are provided by the appellant. Thus, the Commission concludes that the appellant, in order to get the

remaining information, is required to furnish details of applicant's name and correct house number pertaining to the information sought on point No. 2 and 3 of his application.

12. In the light of above discussion, the present appeal is disposed with the following order:-

a) Appellant, if desires, may furnish details of applicant's name and correct house number, pertaining to information sought on point no. 2 and 3 of application dated 11/07/2022, within 7 days from the receipt of this order.

b) PIO is directed to furnish information on point no. 2 and 3 sought by the appellant vide application dated 11/07/2022, within 7 days from the receipt of details mentioned in para 12 (a) above, free of cost.

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