

**GOA STATE INFORMATION COMMISSION**  
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**Complaint No. 32/2022/SCIC**

Shri. Juao Francis Noronha,  
Maina-Wada, Korgao,  
Pernem-Goa.

.....Complainant

V/S

1. The Public Information Officer,  
Village Panchayat Corgao,  
Corgao, Pernem-Goa.

2. First Appellate Authority,  
Office of BDO, Pernem-Goa.

.....Opponent

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 17/10/2022**

**Decided on: 18/07/2023**

**ORDER**

1. The Complainant, Shri. Juao Francis Noronha r/o. Maina-Wada, Korgao, Pernem-Goa vide his application dated 21/01/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought 3 point information from the Public Information Officer (PIO), Village Panchayat Corgao, Pernem-Goa.
2. Since the said application was not responded by the PIO within the stipulated time, deeming the same as refusal, the Complainant filed first appeal on 21/06/2022 before the Block Development Officer, Pernem-Goa, being the First Appellate Authority (FAA).
3. The FAA vide its order dated 19/09/2022 allowed the first appeal and directed the PIO to furnish the information within seven days to the Complainant free of cost.
4. Being aggrieved and dissatisfied with the inaction of the PIO in providing the information till date, the Complainant landed before the Commission with the prayer to direct the PIO to furnish

the complete information and to impose penalty against the PIO for denying the information.

5. Notices were issued to the parties, pursuant to which the Complainant appeared in person on 28/11/2022, the representative of the FAA, Shri. Mahesh Gawde appeared, however, opted not to file any reply in the matter. Adv. Gitesh B. Shetye appeared on behalf of the PIO and placed on record the reply of the PIO dated 28/11/2022 and submitted that he is ready and willing to grant inspection/ information of the file. Accordingly, with the consent of both the parties, joint inspection of the file was fixed on 21/12/2022 between 10:30 am to 11:30 am in the office of the PIO at Corgao, Pernem-Goa and matter was posted for compliance on 23/12/2022.
6. During the course of hearing on 23/12/2022, Adv. G.B. Shetye appeared on behalf of the PIO and submitted that as per the direction of the Commission, the PIO granted the inspection of file on 21/12/2022, the Complainant admitted that he is satisfied with the inspection of the file, and information, however, he stressed upon to impose penalty on the PIO for causing delay in furnishing the inspection/ information.
7. Therefore, a question that arises for consideration of the Commission is whether the delay caused in furnishing the information was deliberate and/or intentional which fitting for imposition of penalty.
8. I have perused the pleadings, reply, additional reply, rejoinder and heard the arguments of rival parties.
9. It is the case of the Complainant that, after the lapse of statutory period of 30 days, he personally approached the office of the PIO and reminded about the pending RTI application, whereby, the PIO informed him that due to the Assembly election and shortage of

staff, she did not process the RTI application. Further according to him, even after elapse of additional timespan, he again approached the office of the PIO, however, he was informed by the PIO that the office peon of the Panchayat office is on long leave and requires additional time to furnish the information.

10. The Complainant further contended that, by virtue of order of the FAA, the PIO called the Complainant through a letter dated 24/09/2022, informing him to remain present on 26/09/2022 at 4:00 pm at the office of public authority for inspection of the records. According to him, he visited the office of the PIO at given date and time, however, he was told to wait as the Peon was out of office and after arrival of the Peon, he was given inspection/information with regards to point No. 2 and 3 only, due to constraint of time. The PIO also informed the Complainant that she will intimate next date for further inspection of the file. The Complainant alleged that, the PIO deliberately and with malafide intention denied to disclose the information.
11. On the other hand, the PIO through her additional reply dated 27/04/2023 contended that, upon receiving the RTI application dated 21/01/2022, she inadvertently placed said application in other file of the Panchayat rather than the RTI application bunch and being unaware and by overlook, the same was left out to be replied within stipulated period.
12. The above version on the PIO is unreasonable and suffers from lack of bonafides. If such a type of illogical version is accepted as legitimate and valid reason than the entire spirit and intent of the Act of furnishing the information would be frustrated, in such circumstances such a version of the PIO cannot be held genuine and appropriate.

13. Another point has been raised by the PIO to support the contention is that, according to the PIO, Advocate for the PIO appeared before the FAA on 23/08/2022, however, the matter adjourned as the FAA was busy with some official work at Panaji. He claims that he did not receive any fresh notice of hearing from the FAA.

I am unable to accept above contention. Once the party is served with the notice in any proceeding before the judicial or the quasi-judicial authority, it is responsibility of the concerned party to attend the further hearings in such proceedings. It is not incumbent upon the FAA to intimate further date of hearing by issuing fresh notice every time, as no such provision is available under the Act. therefore, I find no merit in the above contention of the PIO.

14. On perusal of records, it can be seen that, the Complainant has filed application under Section 6(1) of the Act on 21/01/2022, which is duly endorsed by the office of public authority on the same day. Section 7(1) of the Act requires that the PIO to dispose the request of the information seeker within stipulated period of 30 days. However, in this peculiar case, the PIO has responded the RTI application on 24/09/2022, without explaining the reasonable cause for delay in responding to the RTI application. On the top of it the PIO also failed to comply with the order of the FAA.

15. Under the RTI Act, the PIO is a designated person or representative of the department who is responsible to ensure compliance with the RTI Act and facilitate the information seeker in obtaining the information. The PIO has a duty to deal with the applications received from persons for furnishing the information, promptly and is under obligation to render reasonable assistance to the information seeker. Sum and substance of Section 5 of the

Act, provides that every PIO should extend all reasonable assistance in making the information available rather than putting hurdles in different ways.

16. In the present case, the PIO did not respond to the RTI application within stipulated time. She also failed to comply with the order of the FAA, thus, shown complete disrespect to the process of RTI Act and failed to discharge the duty which amounts to abuse of process of law. This is nothing but wilful denial of information.
17. Due to the casual and irresponsible approach and behaviour of the PIO, the Complainant was put to unnecessary hardship and was made to run from pillars to post to get the information and had to waste his time, energy and money. Harassment of common man by public authorities is socially abhorring and legally impermissible. The PIO miserably failed to show reasonable cause in denying the information to the Complainant.
18. The High court of Gujarat in the case **Urmish M. Patel v/s State of Gujarat (LNIND 2010 Guj. 2222)** has held that penalty can be imposed if order of the FAA is not complied with. The relevant para No. 8 is reproduced herein:-

*"8.....Nevertheless, I cannot lose sight of the fact that the petitioner did not supply information even after the order of the appellate authority, directing him to do so. Whatever be the nature of the appellate order, the petitioner was duty bound to implement the same, whether it was a speaking order or the appellate authority was passing the same after following the procedure or whether there was legal flaw in such an order, he ought to have complied with the same promptly and without hesitation. In that context, the petitioner failed to discharge his duty. "*

19. The whole purpose of the Act is to bring about as much transparency as possible in relation to activities and affairs of public authorities. Section 20 of the Act, clearly lays down that in case the information has not been supplied to the information seeker within the time limit, without any reasonable cause then the Commission shall impose the penalty.
20. The High Court of Bombay, Goa Bench in the case **Johnson B. Fernandes v/s The Goa State Information Commission & Anr. (2012 (1) ALL MR 186)** has held that, law contemplates supply of information by the PIO to party who seeks it, within the stipulated time, therefore where the information sought was not supplied within 30 days, the imposition of penalty upon the PIO was proper
21. Considering the above, though the PIO provided the information in the process of this second appeal, she cannot be exonerated from legal responsibility, therefore, it is a fit case for imposing penalty under Section 20 of the Act against the PIO. However, before any penalty is imposed, the principle of natural justice demands that an explanation be called for from the concerned PIO, as to why she failed to discharge the duty cast upon her as per the RTI Act and penalty as provided shall not be imposed upon her. I therefore pass following:-

## **ORDER**

- The complaint is allowed.
- The PIO, Smt. Shradha Korgaonkar, Secretary of Village Panchayat Corgao, Pernem-Goa is hereby directed to show cause as to why penalty should not be imposed on her in terms of Section 20(1) of the Act.
- The reply to the show cause notice to be filed personally on **22/08/2023 at 10:30 am.**

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-  
**(Vishwas R. Satarkar)**  
State Chief Information Commissioner