

**GOA STATE INFORMATION COMMISSION**

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

**Complaint No. 05/2023/SIC**

Nixon L. Furtado,  
H.No. 51, Copelwaddo,  
Sernabatim, Salcete-Goa.  
403708.

-----Complainant

**v/s**

The Public Information Officer,  
Office of the Public Works Division VI,  
Fatorda, Salcete-Goa 403602.

-----Opponent

**Relevant dates emerging from the proceeding:**

RTI application filed on	: 25/08/2022
RTI application transferred on	: 29/08/2022
PIO replied on	: 20/10/2022
First appeal filed on	: 12/01/2023
First Appellate authority order passed on	: 10/02/2023
Complaint received on	: 03/03/2023
Decided on	: 25/05/2023

**ORDER**

1. The complainant herein under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information from the Public Information Officer (PIO), Office of the Deputy Collector and SDO- I. The said application was transferred under Section 6 (3) of the Act to the Public Information Officer (PIO), Executive Engineer, Division-VI, Fatorda, Margao-Goa. It is the contention of the complainant that, the PIO failed to furnish complete information. Being aggrieved, he filed appeal before the First Appellate Authority (FAA). FAA while disposing the appeal directed the PIO to furnish the remaining information. However, PIO failed to comply with the direction, hence complainant approached the Commission by way of the present complaint against the PIO.
2. Notice was issued to the concerned parties, pursuant to which Shri. Nevil Furtado appeared on behalf of the complainant praying for information and penal action against the PIO. Shri. Meghashyam Naik, APIO appeared on behalf of the PIO and filed reply dated 12/04/2023 and on 03/05/2023 filed affidavit in reply.
3. PIO stated that, he had requested the complainant to visit his office and inspect the concerned file, however, the complainant refused to inspect the record and filed first appeal. PIO further stated that, he was directed by the FAA to furnish the remaining information, the

said direction could not be complied since the complainant did not collect the information from his office and the same has been furnished before the Commission on 12/04/2023, which has been received by the Complainant. Thus, the FAA's directions are complied and he requests for disposal of the present complaint.

4. Upon perusal of the records, it is seen that the PIO had furnished part information to the complainant, though after the expiry of the stipulated period, however, the delay was marginal considering the fact that the said application was transferred under Section 6 (3) of the Act to the PIO, by another authority. The Commission notes that the PIO should have ensured compliance of the FAA's direction by furnishing legible copy of the Plan as sought under point no. 2 of the application. Instead of furnishing the said information to the complainant, PIO requested the complainant to collect the information.
5. Complainant, aggrieved by non compliance of the FAA's direction appeared before the Commission with the present complaint, praying for the information and penal action against the PIO. The present matter being the complaint filed under Section 18 of the Act, the Commission has no jurisdiction to direct the PIO to furnish the remaining information to the applicant. However, the PIO agreed to furnish the information and actually furnished the same on 12/04/2023 and the same was collected by the complainant.
6. The Commission finds that the PIO in the instant matter had not denied any information to the complainant. Issue was with respect to two points i.e. correctness of the information furnished and furnishing legible copy of the Plan. Both these issues were addressed by the PIO by furnishing the information and by filing affidavit in reply. Hence, the Commission finds that, though there was a marginal delay in furnishing the information, no malafide intention on behalf of the PIO has been established. Thus, there is no need to initiate penal action by invoking Section 20 of the Act, against the PIO.
7. In the light of above discussion, the Commission concludes that the information as available has been furnished by the PIO, and the same has been acknowledged by the complainant. Thus, no more intervention of the Commission is required in the present matter.

8. In the background of the above mentioned facts and findings, the present complaint is disposed as dismissed 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