

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Penalty No.01/2023

In

Appeal No. 132/2022/SIC

Dr. K. K. Nadkarni,
H. No. 84, Bendwada,
Sanguem-Goa, 403704 .

-----Appellant

v/s

The Public Information Officer,
Goa Tourism Development Corporation Ltd,
3rd Floor, Paryatan Bhavan,
Patto, Panaji-Goa 403001.

-----Respondent

Relevant dates emerging from penalty proceeding:

Order passed in Appeal No. 132/2022/SIC	: 23/01/2023
Show cause notice issued to PIO	: 03/02/2023
Beginning of penalty proceeding	: 27/02/2023
Decided on	: 19/06/2023

ORDER

1. Penalty proceeding against respondent Shri. Sajulo K. Narvekar, Public Information Officer (PIO), Goa Tourism Development Corporation Ltd., has been initiated vide show cause notice dated 03/02/2023, issued under Section 20 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') for not furnishing part information in contravention of Section 7 (1) of the Act.
2. The Commission has discussed complete details of this case in the order dated 23/01/2023. Nevertheless, the facts are reiterated in brief in order to appraise the matter in its proper perspective.
3. The appellant vide application dated 27/01/2022 had sought information on eight points from PIO. Upon not receiving complete and correct information he filed appeal before the First Appellate Authority (FAA), however, FAA did not hear the appeal. Hence, the appellant filed second appeal before the Commission. After due proceeding the Commission disposed the appeal vide order dated

23/01/2023. It was held that the PIO has failed to comply with the duties and responsibilities bestowed upon him by the Act, and the said failure amounts to contravention of Section 7(1) of the Act. It was observed that, with respect to the information on point no 7 of the application, PIO has to take appropriate action on his contention of files being not traceable. With these findings the Commission directed the PIO to show cause as to why action as contemplated under Section 20 (1) of the Act should not be initiated against him.

4. Penalty proceeding was initiated against Shri. Sajulo K. Narvekar, PIO. Advocate Pranita Gawandi appeared on behalf of the PIO, filed reply dated 27/02/2023, 16/03/2023 and 24/04/2023. Appellant opted not to appear before the Commission, however, submission from him was received in the entry registry via email on 27/02/2023.
5. PIO stated that, as directed by the Commission vide order dated 23/01/2023, the Managing Director of Goa Tourism Development Corporation Ltd (GTDC) had formed a special committee to hold inquiry into the issue of non- availability of the relevant file pertaining to information on point no. 7 of the application. That the committee has submitted inquiry report to the Managing Director with findings that three of the relevant files are missing from the office of the public authority.
6. PIO further submitted that, in a follow up action Shri. Laxmikant Vaigankar, General Manager (Admn) vide letter dated 21/04/2023 has filed a police complaint before the Police Inspector, Panaji Police Station requesting him to register FIR into the issue of missing of the said three files. PIO further stated that, due to the bonafide reason he was not able to furnish the information to the appellant, hence, he prays for withdrawal of show cause notice issued against him.
7. Upon perusal of the records of the present penalty proceeding and the relevant appeal, it is seen that the PIO had not furnished the

information on point no. 7, hence was held guilty of contravention of Section 7 (1) of the Act. The Commission while disposing the appeal had directed the PIO to trace and furnish the information in 15 days and if not traceable then the Managing Director of the authority was directed to conduct inquiry into the issue of missing of the information / files.

8. It is seen from the records of the penalty proceeding that, three member committee was constituted by the Managing Director of Tourism Development Corporation Ltd, comprising of Shri. Laxmikant Vaigankar, General Manager, Admin, Shri. Shrikant Mahalunkar, Administrative Officer and Smt. Nisha Surlakar, Upper Division Clerk, to inquire into the issue. The said committee vide report dated 10/04/2023 concluded that File No. PC/Admin/GTDC/2015-16/943, File No. Admn/PC/GTDC/387 of 2016 and File No. 14/Admn/PC/GTDC/99 of 2016-17 are not traceable in the records. Further, Shri. Laxmikant Vaigankar, General Manager (Admin), GTDC vide letter dated 21/04/2023 requested the Police Inspector, Panaji Police Station to register FIR into the matter.
9. This being the case, the Commission finds that the information on point no.7 of the application is not available in the records of the PIO, hence he cannot furnish the same to the appellant. The show cause notice under Section 20 (1) of the Act was issued to the PIO for failing to furnish the information on point no. 7. However, now since it has been discovered that the said information is not available and the PIO is not in a position to furnish the same, the show cause notice requires withdrawal.
10. In the background of the above mentioned facts and findings, the Commission concludes that the present case does not warrant levy of penalty under Section 20 of the Act against Shri. Sajulo K. Narvekar, PIO, Goa Tourism Development Corporation Ltd.

11. Thus, the showcause notice issued against Shri. Sajulo K. Narvekar, PIO stands withdrawn and the penalty proceeding is dropped. The matter is disposed 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