

**GOA STATE INFORMATION COMMISSION**

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

Tel: 0832 2437908/2437208 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

---

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

**Penalty No. 24/2023**

**In**

**Appeal No.70/2023/SIC**

Evelyn Mascarenhas,  
C2, Acron Niama Valley Apartments,  
Kadamba Depot Road,  
Salvador do Mundo,  
Betim, Bardez-Goa, 403101.

-----Appellant

**v/s**

1. Public Information Officer (PIO),  
Office of the Town & Country Planning,  
Government Complex, Mapusa, Bardez-Goa.

2. The First Appellate Authority (FAA),  
Office of the Senior Town Planner,  
Town & Country Planning,  
Government Complex, Mapusa, Bardez-Goa.

-----Respondents

**Relevant dates emerging from penalty proceeding:**

Order passed in Appeal No. 70/2023/SIC	: 24/04/2023
Show cause notice issued to PIO	: 11/05/2023 & 05/07/2023
Beginning of penalty proceeding	: 22/05/2023
Decided on	: 25/09/2023

**ORDER**

1. The penalty proceeding against Respondent Shri. Shivprasad Murari, the then Public Information Officer (PIO), and Respondent Shri. Zaidev R. Aldonkar, the present Public Information Officer (PIO), both from office of the Town & Country Planning Department, Mapusa, Bardez Goa has been initiated vide showcause notices dated 11/05/2023 and 05/07/2023, issued under Section 20(1) and Section 19 (8) (c) of the Right to Information Act, 2005 (hereinafter referred to as the “Act”), for not complying with the provisions of the Act and directions of the Commission.
2. The Commission while disposing Appeal filed by the appellant namely Smt. Evelyn Mascarenhas under No. 70/2023/SIC vide order dated 24/04/2023 had held the then PIO guilty of contravention of Section 7 (1) of the Act and in the present penalty proceeding, the present PIO guilty of not complying with the direction of the Commission to furnish the information.

3. Hence, show cause notice was issued against both the PIOs Shri. Shivprasad Murari, the then PIO and Shri. Zaidev R. Aldonkar, the present PIO. Both the PIOs appeared alongwith Advocate Atish Mandrekar and after tendering apology, undertook to furnish the information to the appellant.
4. Appellant vide submission dated 14/09/2023 submitted that the information she had requested for, has now been received by her and that no further request for information is pending.
5. Upon perusal of the above mentioned submission by the appellant, the Commission finds that the PIOs have furnished complete information sought by the appellant and the appellant has expressed satisfaction upon receiving the information.
6. Although the information has been furnished by the present PIO now, during the penalty proceeding, the fact remains that the same could have been furnished by him or by the then PIO within the stipulated period. Such a prompt action would have saved time and resources of the appellant as well the Commission. However, finally information has been furnished. Thus, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa in A. A. Parulekar v/s. Goa State Information Commission (W.P. No. 205/2007) and Shri. Shivanand Salekar and others v/s. The Goa State Information Commission (W.P. No. 488 of 2011) as well as in Public Authority and Others v/s. Shri. Yeshwant Tolio Sawant (W.P. No. 704 of 2012), the Commission holds that there is no sufficient ground to impose penalty on the respondent PIOs. Thus, it is concluded that the show cause notice issued against the respondents needs to be withdrawn.
7. Before closing, the Commission issues stern warning to Shri. Shivprasad Murari and Shri. Zaidev R. Aldonkar, PIOs hereafter to honour the provisions of the Act and comply with the duties and responsibilities the Act has enshrined upon them. Any further violation in future will be dealt with stern action as provided.
8. In the background of the above mentioned facts and findings, the show cause notices issued against Shri. Shivprasad Murari, the then PIO and Shri. Zaidev R. Aldonkar, the present PIO stands withdrawn and the penalty proceeding is dropped. The matter is disposed and the proceeding is 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