

**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. 46/2022**

**In**

**Complaint No. 28/2022/SIC**

Mr. Leo Alvares,  
R/o H. No. 86/A,  
Anus Nuvem,  
Salcete-Goa 403713.

-----Complainant

**v/s**

Public Information Officer,  
Office of the Mamlatdar of Salcete,  
Mathany Saldanha Complex,  
Salcete-Goa, 403601.

-----Opponent

**Relevant dates emerging from penalty proceeding:**

Order passed in Complaint No. 28/2022/SIC	: 28/11/2022
Show cause notice issued to PIO	: 15/12/2022
Beginning of penalty proceeding	: 10/01/2023
Decided on	: 08/08/2023

**ORDER**

1. The penalty proceeding against Opponent Public Information Officer (PIO), Shri. Laxmikant R. Dessai, Mamlatdar of Salcete Taluka has been initiated vide showcause notice dated 15/12/2022, issued under Section 20(1) and 20(2) of the Right to Information Act, 2005 (hereinafter referred to as the “Act”), for not complying with the direction of the Commission.
2. The Commission has discussed complete details of this case in the order dated 28/11/2022. Nevertheless, the facts are reiterated in brief in order to appraise the matter in its proper perspective.
3. The complainant, vide application dated 29/12/2021 had sought certain information from PIO. Upon not receiving any reply within the stipulated period, he filed appeal before the First Appellate Authority (FAA). FAA dismissed the appeal, being aggrieved complainant filed second appeal before the Commission. The Commission disposed the appeal vide order dated 29/07/2022 with direction to PIO to furnish the information within 20 days. However, PIO failed to comply with the order and complainant approached the Commission by way of complaint under Section 18 of the Act.

4. The Commission after due proceeding disposed the complaint vide order dated 28/11/2022. It was held that the PIO is guilty of not adhering to the direction of the appellate authority designated under the Act and for contravention of Section 7 (1) of the Act. The Commission observed that Section 20 of the Act needs to be invoked for initiating penal action against the PIO. Accordingly, PIO was issued show cause notice directing him to submit written reply stating as to why penalty under Section 20 (1) and 20 (2) should not be imposed against him.
5. The penalty proceeding was initiated against Shri. Laxmikant R. Dessai, PIO. Shri. Rohan Paes, Awal Karkun and Shri. Vishwas Satardekar, APIO appeared on behalf of the PIO under authority letter and filed reply dated 10/01/2023, submission on 14/03/2023 and reply on 23/06/2023. Advocate C. Vas appeared for the complainant and stated that the complainant would not press upon penal action if the PIO furnishes him complete information.
6. PIO stated that, the concerned file was submitted to the Vigilance Officer, Directorate of Vigilance by the Collector, South Goa, Margao and it is informed by the Deputy Collector & SDO-II, Salcete vide letter dated 05/01/2023 that the mutation file bearing no. 1418 is not submitted to his office by the Vigilance Department. However, photocopies of the said mutation file are available in the Office of the Deputy Collector & SDO-II, Salcete and the copies of which are now being submitted to the appellant. PIO further stated that the information as available has been furnished, thus, he requests for withdrawal of showcause notice.
7. Upon perusal it is seen that, the information sought pertained to the file of Mutation No. 1418 with regards to the property bearing Survey No. 10/1 of Nuvem Village and the PIO could not furnish the information as the file was with the Vigilance Department. However, PIO under Section 7 (1) of the Act was required to respond to the application or under Section 6 (3) transfer the application. Non response resulted under Section 7 (2) of the Act into deemed refusal of the request and aggrieved appellant was compelled to approach the appellate authority to get the information.
8. Nevertheless, PIO during the present proceeding appeared through his official representative and stated that photocopies of the said file are available in the office of the Deputy Collector. PIO alongwith Shri. Vishwas Satardekar, APIO took efforts to furnish certified copies of the same to the appellant.

9. PIO vide reply dated 04/08/2023 received in the registry on 07/08/2023 has stated that the remaining information was sent to the complainant by Registered AD Post and requested for withdrawal of showcause notice. The Commission notes that the PIO has finally furnished the information to the complainant. Though the information was furnished after considerable delay, no malafide can be attributed to the intention and action of the PIO.
10. Hence, subscribing to the ratio laid down by Hon'ble High Court of Bombay at Goa in A. A. Parulekar v/s Goa State Information Commission (Writ Petition No. 205/2007) and Public Authority and Other v/s Yeshwant Tolio Sawant (Writ Petition No. 704/2012), the Commission concludes that the present case does not warrant levy of penalty under Section 20 of the Act against Shri. Laxmikant R. Dessai, PIO, Mamlatdar of Salcete Taluka.
11. In the light of the above discussion, the show cause notice issued against Shri. Laxmikant R. Dessai, 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