

GOA STATE INFORMATION COMMISSION
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Appeal No. 347/2023/SCIC

Girdharlal M. Gangani,
 Galaxy Building,
 Dr. A. B. Borkar Road,
 Opposite Hotel Nova Goa,
 Panaji Goa 403001.

.....Appellant

V/s

1.The Public Information Officer,
 The Secretary,
 Village Panchayat Penha da Franca,
 Britona, Bardez Goa 403101.

2.The First Appellate Authority,
 Block Development Officer-II,
 Mapusa, Bardez Goa, 403507.

.....Respondents

Shri. Aravind Kumar H. Nair - State Chief Information Commissioner

Relevant facts emerging from the Appeal

RTI application filed on	- 12-05-2023
PIO replied on	- 30-05-2023
First Appeal filed on	- 30-06-2023
First Appellate order on	- 28-07-2023
Second appeal received on	- 25-09-2023
Decision of the Second Appeal on	- 31-12-2024

Information sought and background of this Appeal

1. Shri. Girdharlal M. Gangani filed an RTI application dated 12/05/2023 seeking following information from the PIO, Village Panchayat, Penha-De-Franca (Shri. Suresh Fadte, Secretary) with reference to application letter dated 31/03/2023 regarding transfer of the house tax records of the H. No. 1821/1-F-11:-

- i. Copy of the application based on which the house tax records are transferred in the name of S.D. Shanbhag by virtue of deleting the name of G.M. Gangani that was existing since 03/04/2003.*
- ii. Copy of the legally valid documents based on which the above said house tax records are transferred in the name of S.D. Shanbhag.*
- iii. Copy of the documents signifying the NOC/consent of the G.M. Gangani based on which the above said house tax record transfer is effected.*

- iv. *Copy of the village panchayat resolution passed during the panchayat meeting alongwith the name of the signatories and other relevant details of the proceedings of the said panchayat meeting.*
 - v. *Please provide the inspection of the relevant files/ records pertaining to the house tax transfer of H. No. 1821/1-F-11.*
2. In response to the RTI application, PIO (Shri. Suresh Fadte, Secretary, V.P. Penha-De-Franca) vide letter dated 30/05/2023 replied as under:-

"The information sought by you has been searched in the records and the same could not be traced in the records maintained by village panchayat Penha-De-Franca. However, a thorough search will be made again and if found / trace same shall be furnished to you."
 3. Meanwhile the applicant vide letter dated 01/06/2023 reminded the PIO to provide information on or before 12/06/2023 failing which he will be compelled to approach the FAA. In the same letter applicant sought inspection of the house tax records of the H. No. 1821/1 (Jay Kamal Complex) for the financial year 2004-2005, 2008-2009, 2009-2010. Accordingly, inspection in respect of House No. 1821/1-F-11 in the house tax register was conducted by the Appellant on 12/06/2023 and found that substitution of the name is recorded for the House No. 1821/1-F-11 on page 186 of the Book-II, Volume containing house tax details for the year 2004-2005. After availing this information (point No. 5 in the RTI application), Applicant requested the PIO to furnish information pertaining to remaining points.
 4. Aggrieved over the reply received from the PIO, Appellant filed his first appeal dated 30/06/2023 before the First Appellate Authority, Block Development Officer, Bardez-Goa praying for (i) directions to the PIO to furnish the information sought vide RTI application dated 12/05/2023 (ii) appropriate penal/official action against the PIO for not furnishing information.
 5. The FAA vide order dated 03/08/2023 directed the Respondent PIO to furnish the requested information to the Appellant as per Panchayat records within 10 days from passing the order.

6. As the PIO failed to comply with the order dated 03/08/2023 of the FAA directing the PIO to furnish the information sought by the Appellant within 10 days, Appellant preferred second appeal dated 25/09/2023 before the Commission in which Appellant stated that he is in the process of obtaining certain information in connection with a legal proceeding in the Civil Court, Mapusa-Goa. According to the Appellant, Girdharlal M. Gangani he has asked specific information regarding transfer of house tax of H. No. 1821/1-F-11 from his name to one Shri. S.D. Shanbhag on 07/07/2004 without his (G.M. Gangani) knowledge or consent. Appellant stated that intentional denial/ delay in providing information by the PIO has proved detrimental to the Appellant. Appellant further submitted that he has reasons to believe that PIO (Secretary V.P. Penha-De-Franca) is not providing information to hide several fraudulent acts carried out by the Village Panchayat and his opponents in the Civil Suit proceedings.

7. In his second appeal, Appellant mainly prayed for the following:-

- i. The Respondent PIO may be directed to furnish pending information (point No. 1-4) immediately.*
- ii. PIO may be directed to file an affidavit on non-furnishing information inspite of FAA's order and non-availability of information sought in the records of Panchayat.*
- iii. Invoke Commission's power provided under the RTI Act u/s 18(3)(e) and 18(8)(b).*
- iv. Impose penalty on PIO u/s 20 for his failure to perform his duty and showing disrespect to the RTI Act.*

8. Following second appeal, parties were notified and matter was called out for first hearing on 23/11/2023.

Facts emerging in course of hearing

9. During the initial hearing, Appellant submitted that he wanted to see the Demand and Collection Register of the Panchayat which was later produced before the Commissioner on its direction, thereafter, the PIO furnished coloured copy of Form No. 8 (Demand Collection Register) to the Appellant who then insisted for

the copy of the resolution dated 03/06/2004 which is reflected in the document furnished to him by the PIO.

10. In his written submission dated 21/02/2024, Respondent PIO said that he has provided whatever information available in the records of the Village Panchayat.
11. No proceeding held in the matters from March 2024 to September 2024 as the post of SCIC and SIC remained vacant. The matter was then called out for hearing on 30/10/2024 wherein Appellant filed his submission and Respondents were asked to file their submission within ten days. Appellant in his written submission stated that he has received information on two points only viz. i) copy of the abstract of Demand & Collection Register in r/o. H. No. 1821/I-F-11 ii) copy of the Resolution No. 7 (a) taken in the V.P. Meeting held on 28/01/2006.
12. Appellant submitted before the Commission that since the PIO shown negligence and casual attitude towards handling the RTI application, PIO is not entitled for any leniency and penalty be imposed against him by the Commission.
13. Taking into consideration of the positive approach of the new PIO, Shri. Rupesh Halarnkar, Secretary, V.P. Penha-De-Franca, Commission took initiative to arrange a first inspection of the V.P. records by the Appellant and the PIO on 17/12/2024. Subsequently Appellant filed a written submission dated 23/12/2024 stating that documents pertaining to serial No. 1, 2, 3 and 5 in his RTI application could not be traced during the inspection of records at the office of V.P. Penha-De-Franca. New PIO also filed written submissions dated 17/12/2024 on the same line.

DECISION

A. Commission's Direction to the PIO, V.P. Penha de Franca

1) Considering the above mentioned facts and circumstances the Commission today i.e. 31/12/2024 decided to dispose the appeal with the direction to the incumbent PIO -

- (i) To file Police Complaint in respect of the missing government documents within 10 days of the receipt of this order.**
- (ii) Furnish a copy of the police complaint and subsequently police registered FIR in this regard to the Appellant with intimation to the Commission.**

B. Commission's Direction to the Director of Panchayats

2) While appreciating the positiveness and sincere attempt shown by the incumbent PIO, Mr. Rupesh Halarnkar to search thoroughly the Panchayat records pertaining to the Appellant's RTI application, the Commission hereby directs the Director of Panchayats to institute an inquiry to ascertain whether the previous PIO, Shri. Suresh Fadte or any other officers in Village Panchayat Penha-De-Franca committed mischief in deliberately destroying or misplacing the said documents sought by the RTI applicant, Shri. Girdharlal Gangani, then fix responsibility on such identified officers, if any, and initiate appropriate disciplinary action against them under appropriate Service Rules for destroying or misplacing Government documents.

- (i) This direction is issued on the basis of the apprehension aired before the Commission by**

the Appellant that he has reasonable ground to believe the likelihood of wilful destruction or misplacing of the records pertaining to his RTI application by the previous PIO, Shri. Suresh Fadte.

- (ii) Director of Panchayat's compliance report should reach the Commission within 30 days of the receipt of this order dated 31/12/2024.

C. Commission's Direction to the Appellant

3. If the Appellant has valid reasons to believe that manipulation or fraudulent act committed by the officials in Village Panchayat Penha de Franca in the transfer of House Tax from his name to others in respect of H. No. 1821/1-F-11 without his knowledge and consent, he is at liberty to approach the appropriate authority to get it addressed.

D. Commission's Direction to the Public Authority, Village Panchayat, Penha De Franca

HOWEVER, considering the hardship, mental stress, agony, loss of money, energy, precious time etc. suffered by the appellant in his effort to get desired information from the public Authority with regard to the transfer of house tax (H. No. 1821/1-F-11) from Appellant's name to Shri S. D. Shanbhag without the knowledge or consent of the Appellant Shri Girdhalal M. Gangani, Commission by the power vested in it under Section 19(8)(b) of the RTI Act, 2005 hereby direct the Public Authority in this matter (Village Panchayat, Penha De Franca) to pay an amount of Rs. 5000/- (Rupees Five Thousand only) as COMPENSATION to the Appellant Shri Girdharlal M. Gangani, senior citizen.

The compensation should be paid to the Appellant by February 24, 2025 and the compliance report by the Public Authority should reach the Commission by March 10, 2025.

- **Proceeding stands closed.**
- **Pronounced in open court.**
- **Notify the parties.**

(Aravind Kumar H. Nair)
State Chief Information Commissioner