

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 65/2024/SCIC

Shri. Mehmud Anwar Poonawala,
H.No. Flat No.201, Sector 2,
Block 2, Colonia Jose Menino,
Fatrade, Varca, Salcete Goa.
V/s

----Appellant

1.Shri Prabhakar Kamati,
The Public Information Officer/V.P. Secretary,
Village Panchayat of Varca,
Varca, Salcete Goa.

2.Kum. Nimisha S. Faldessai,
The First Appellate Authority/B.D.O,
Office of the Block Development Officer,
2nd floor, Mathany Saldanha Administrative Complex,
Margao-Goa.

----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal.

RTI application filed on	- 30-08-2023
PIO replied on	- 29-09-2023
First Appeal filed on	- 11-10-2023
First Appellate order on	- 13-11-2023
Second appeal received on	- 11-03-2024
Decision of the Second Appeal on	- 23-04-2025

Information sought and background of the Appeal

1. Shri. Mehmud Anwar Poonawala filed an application dated 30/08/2023 under RTI Act, 2005 to the PIO, Village Panchayat, Varca, South Goa seeking following information with regard to his Complaint dated 10/08/2021 filed to the Sarpanch, Village Panchayat, Varca against illegalities conducted by Mr. Ashley Francis Dias, Chairman, CJM Cooperative Housing Maintenance Society:
 - i. *"Kindly provide action taken by your department with regard to above Complaint.*
 - ii. *If no action has been taken with regard to above Complaint, kindly provide the reasons for not doing the same.*

2. In response to the RTI application dated 30/08/2023, PIO (Secretary, V.P Varca) vide letter dated 29/09/2023 replied to the Appellant as under :

"with reference to your application dated 30/08/2023, I am to inform you that this Panchayat has not taken any action on Mr. Ashley Francis Dias."

3. Aggrieved by the reply received from the PIO, Appellant filed first appeal dated 11/10/2023 to the First Appellate Authority (BDO, Salcete) stating that Respondent PIO has provided a vague reply without mentioning reasons for not taking action by the authority on the complaint dated 10/08/2024 filed by him to the Sarpanch, Varca, Village Panchayat. Appellant prayed before the FAA that necessary direction be issued to the Respondent PIO to provide reasons for not taking any action on the complaint filed him before the office of the Respondent.
4. Perusal of records reveals that the parties were notified by the FAA (BDO-I) fixing the matter for hearing on 17/10/2023 but decided on 13/11/2023 only by passing an order (dated 13/11/2023) directing the Respondent PIO to provide Resolution No. with respect to Point No.4 to the Appellant within 10 days.
5. During the course of hearing in first appeal, Respondent PIO had filed written submission dated 02/11/2023 before the FAA (BDO-I, Salcette) containing reply to the Appellant's RTI application as under :

<i>"With regard to Point No.1-</i>	<i>Enclosing Certified copy of complaint.</i>
<i>With regard to Point No.2-</i>	<i>The said complaint of the Appellant is noted as per vide resolution No.5(c)55 meeting dated 12/08/2021</i>
<i>With regard to Point No.3-</i>	<i>Your application dated 10/08/2021 regarding Transfer of house tax, the said matter was placed before the Panchayat body meeting dated 12/08/2021.</i>
<i>With regard to Point No.4-</i>	<i>Certified copy of Resolution enclosed."</i>

6. Aggrieved by the order passed by the FAA, Appellant approached the Commission with Second appeal dated 11/03/2024 with a request for condonation of delay of 22 days in filing second appeal. Appellant stated

that he is aggrieved for not providing the information sought as per the RTI application dated 30/08/2023 and not granted the suo moto inspection of the said complaint file. Appellant prayed that Respondent PIO Shri. Prabhakar Kamati be directed to furnish information sought vide RTI application dated 30/08/2023 and necessary action be initiated against the PIO for his arrogance and failure as a 'Public Servant'.

FACTS EMERGING IN COURSE OF HEARING

7. Pursuant to the filing of Second appeal by the Appellant, parties were notified fixing the matter for hearing on 28/01/2025 for which Appellant and Respondent PIO were present in person. The Respondent PIO served with a copy of the appeal memo and agreed to file submission on the next date of hearing slated for 19/02/2025.
8. When the matter called out for hearing on 19/02/2025, Respondent No.1 (PIO) filed written reply of both PIO and FAA. Respondent No.2 (FAA) in written reply submitted that Respondent No.2 has passed the necessary order dated 13/11/2023 directing the Respondent PIO to carry out thorough inspection of Panchayat records in presence of Appellant within 10 days and provide required information to the Appellant.
9. Respondent No.1 in the written reply submitted that the Appellant filed an RTI application dated 30/08/2023 and accordingly necessary information has been provided vide letter dated 29/09/2023 after search of records. Later, pursuant to the order dated 13/11/2023 passed by the FAA, inspection of records was carried out and further furnished the certified copy of Resolution No.58 meeting dated 12/08/2021 to the Appellant. Matter fixed for further hearing on 19/03/2025, with the direction to the Appellant to submit a fresh reply to the Appellant's RTI application.
10. Appellant and Respondent were present in person for the hearing held on 19/03/2025. Respondent PIO filed written submission dated 19/03/2025 along with fresh reply to the Appellant's appeal. The Respondent PIO submitted that :

- i. The present appeal is devoid of merit and the allegation made against the Respondent is baseless and misleading.*
 - ii. Respondent has already complied with the direction of the FAA (BDO).*
 - iii. Appellant's demand for "Reasons for in action" is extraneous as the RTI Act does not mandate Public Authorities to explain policy decision or operational lapses.*
11. The written submission further stated that :
- i. Upon receiving the RTI application, a thorough search of Panchayat records was conducted and vide letter dated 29/09/2023, the Appellant was informed that no further action was taken on Appellant's complaint against Mr. Ashley Francis Dias.*
 - ii. Pursuant to the order passed by the FAA dated 13/11/2023, certified copy of Resolution No.5(c) 58 dated 12/08/2021 was furnished to the 'A'.*
12. Respondent No.1 prayed before the Commission that the present appeal be dismissed as infructuous and relevant information has already been provided to the Appellant.
13. After filing the above cited written submission by the Respondent PIO, Appellant's representative Shri. Santana P. Afonso submitted before the Commission that instead of submission, Respondent PIO should be directed to file an 'Affidavit' containing the details furnished in the submission. Accordingly, Commission directed the PIO to file an Affidavit on the next date of hearing slated for 23/04/2025. Respondent PIO appeared in person for the hearing held on 23/04/2025 but Appellant or his authorised person remained absent.
14. Complying with the Commission's direction, Respondent PIO Shri. Prabhakar Kamati filed an 'Affidavit' dated 03/04/2025 stating that :
- i. He has assumed the charge as Secretary, Village Panchayat, Varca on 20/10/2022.*
 - ii. Prior to that Shri Uday B. Faldessai was functioning as Secretary of the Village Panchayat, Varca.*
 - iii. Appellant had submitted a written complaint dated 10/08/2021 alleging illegalities committed by one Mr. Ashley Francisco Dias.*

- iv. *The said complaint was placed before the Panchayat Body in its meeting held on 12/08/2021 and the same was duly recorded in the Panchayat proceedings as Resolution No.58.*
- v. *Complying with the order dated 13/11/2023 passed by the FAA(BDO-I, Salcette), Appellant was allowed for inspection of the Panchayat records and a certified copy of the said Resolution No.58 dated 12/08/2021 was furnished to the Appellant.*
- vi. *No further records relating to the complaint of the Appellant dated 10/08/2021 are available with the Panchayat beyond what has already been furnished.*
15. Respondent PIO has filed copies of the said Resolution No.58 dated 12/08/2021, Relieving Order dated 20/10/2022 of Shri. Uday B. Faldessai as Secretary Village Panchayat, Varca and joining report dated 20/10/2022 of Shri. Prabhakar N. Kamati as Secretary, Village Panchayat, Varca along with the Affidavit.

DECISION

- 1. Since the Respondent PIO Shri. Prabhakar Kamati has filed an 'Affidavit' containing desired information sought by the Appellant with regards to the complaint dated 10/08/2021 filed by the Appellant to the Sarpanch, Village Panchayat Varca Goa, nothing more lies in the present appeal which is disposed off today i.e. 23/04/2025.**
- 2. If the Appellant still desire to have further action over his complaint dated 10/08/2021 filed to the Sarpanch, Village Panchayat, Varca, he is at liberty to approach appropriate authorities like District Administration and Director of Panchayats seeking redressal to his complaint.**

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC

