

GOA STATE INFORMATION COMMISSION
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Appeal No. 196/2024/SIC

Adv. Atish P. Mandrekar,
"Swayambhoo"
H. No. 549/C,
Vodlem Bhat, Taleigao,
Panaji-Goa 403002.

.....Appellant

V/s

1. The Public Information Officer (PIO),
Secretary O/o. Village Panchayat of Taleigao,
Panaji-Goa.

2. First Appellate Authority (FAA),
Block Development Officer (BDO)
Panaji-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 16/10/2024

Decided on: 09/12/2024

ORDER

1. The Appellant Shri. Atish Mandrekar made the original Right to Information (RTI) application dated 16/08/2024 before the Public Information Officer (PIO) of the Village Panchayat Taleigao in Tiswadi Taluka.
2. In response to the said RTI application the PIO Shri. Gaurish Pednekar issued reply dated 13th September, 2024. Aggrieved by the reply the Appellant preferred first Appeal before the competent authority on 17/09/2024.

3. The First Appellate Authority (FAA) vide order dated 30th September, 2024 allowed the first appeal and directed the PIO to provide inspection of records and also furnish the information to the Appellant free of cost within 15 days from the date of the said order.
4. Citing the grounds of non compliance of the said order the appellant preferred the second appeal dated 16/10/2024 before this Commission.
5. The Respondent PIO filed his reply stating that, the appellant has been furnished the information free of cost and as such the present appeal doesn't stand.
6. Thereafter, on 15th November, 2024 the Respondent PIO filed an additional reply reiterating that information available with the PIO has been furnished to the Appellant.
7. The Appellant vide his written submissions dated 27th November, 2024 highlighted that full and correct information has not been furnished by the Respondent PIO.
8. The Appellant also alleged that Respondent PIO has failed to provide inspection of the records to the Appellant which amounts to denial of information.
9. In the meantime on two consecutive hearings the Respondent PIO has remained absent and as such the matter merits for speedy disposal.

10. The conduct of the PIO is questionable as he has not addressed the grievance of the Appellant and failed to act in terms of section 6 (3) of Right To Information Act.
11. Merely providing an answer that "information is not available" amounts to evasion of duties on the part of the PIO.
12. The RTI Act honours the right of the information seeker and makes it mandatory upon the Public Authority to provide justice to such legitimate right of the information seeker.
13. The purpose of this Act, is to bring in maximum transparency in the activities and conduct of the Public Authorities.
14. Section 20 of this Act, clearly lays down that in case information has not been furnished to the seeker within the prescribed time limit and without any reasonable cause then the Commission shall impose penalty.
15. However, before any penalty is imposed an explanation be sought from the PIO. In so far as failure to discharge his duties as per the RTI Act is concerned.
16. In the light of the above this Commission passes the following order:-
 - a) The Appeal is allowed.
 - b) The PIO of Village Panchayat Taleigao in Tiswadi Taluka is hereby directed to comply with the order of the FAA, and furnish complete relevant

information to the Appellant free of cost on or before 30th December, 2024 and to submit a compliance report to this Commission on or before 3rd January, 2025.

- c) The PIO is further directed to showcause as to why penalty should not be imposed in terms of section 20(1) and/or recommend for disciplinary proceedings against him in terms of section 20(2) of the RTI Act.
- d) Reply to the Showcause notice to be filed on or before 10/01/2025 failure of which registry to initiate penalty proceeding against the PIO appeal stands disposed off accordingly.

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/-

(Atmaram R. Barve)
State Information Commissioner