

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 462/2023/SIC

Vasudev S. Fadte,
r/o. H.No. 664, Tariwada,
Marcel, Goa 403107.

..... **Appellant**

V/s

1. The Public Information Officer (PIO),
Village Panchayat Tivrem-Orgao,
Marcel-Goa 403107.

2. The First Appellate Authority (FAA),
The Block Development Officer,
Ponda-Goa.

..... **Respondents**

Filed on:-26/12/2023

Decided on:- 20/12/2024

ORDER

1. The present second appeal arises out of the Right to Information Application dated 03/07/2023 filed by Shri Vasudev Fadte and addressed to the Public Information Officer (PIO) at Village Panchayat Tivrem-Orgao.
2. Citing the grounds that no information was provided by the Public Information Officer (PIO) within the stipulated time, the Appellant herein preferred the first Appeal dated 25/09/2023.

3. The First Appellate Authority (FAA), vide roznama order dated 12/10/2023 directed the PIO to provide information to the Appellant herein free of cost.
4. Aggrieved by non compliance on the part of the PIO, the Appellant herein preferred the second Appeal dated 26/12/2023 before this Commission.
5. Notices were issued on 15/01/2024 and proceedings commenced from 14/02/2024 onwards wherein the Respondent PIO filed his reply and the Appellant collected the set of information furnished by the PIO thereafter on account of the former State Information Commissioner demitting office proceedings halted and subsequently resumed from 26/09/2024 onwards.
6. Vide affidavit in rejoinder dated 11/11/2024 the Appellant denied the contention of the PIO in terms of his reply dated 14/02/2024.
7. Vide affidavit in rejoinder dated 16/12/2024. The PIO highlighted that adhering to the directions of the First Appellate Authority (FAA) the PIO tried to approach the Appellant herein vide notice fixed on the door of the Applicant's house on 27/10/2023 asking him to collect the said information and that in spite best efforts on the part of the PIO the Appellant herein has failed to collect the information.
8. Vide affidavit in sur-rejoinder dated 20/12/2024 the Appellant herein denied all the contentions of the PIO.

9. Upon perusal of all the material on record this Commission is of the considered opinion as under:-

- a. The conduct of the PIO in this matter has been against the spirit of the Right To Information (RTI) Act in so far as not responding to the RTI application within the stipulated time frame is concerned.
- b. Although the information seeker does not have to spell out the intent behind his RTI application, the Appellant herein has made his stand clear as to why the receipt of the said information is crucial for his ongoing litigation.
- c. However, the fact that the Appellant has also not cooperated with the PIO inspite his efforts to provide the necessary information cannot be ignored.
- d. Therefore, in view of the above the present second Appeal is disposed with the following orders:-
 - a) The present second Appeal is allowed.
 - b) The PIO Shri. Mayur Kudalkar is directed to provide a fresh inspection of the concerned documents to the Appellant and also provide certified true copies of the same free of cost on 11/04/2025 during working hours.

c) The Appellant is also directed to ensure cooperation to the PIO in terms of the directions above.

d) Registry to issue showcause notice to the PIO as to why no action should be initiated against him for delay and denial of information and to seek compliance of the directions above by way of physical presence at this Commission on 15/04/2025 at 11.00 a.m. failing necessary disciplinary and penalty proceedings shall be initiated.

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