

GOA STATE INFORMATION COMMISSION
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Penalty 61/2023

In

Appeal No.170 /2023/SIC

Sushant P. Nagvenkar,
H.No. C-312, Fonduvem,
Ribandar-Goa.

..... Appellant

V/s

1.The Public Information Officer (PIO),
Goa Tourism Development Corporation,
Panaji-Goa.

2.The First Appellate Authority (FAA),
Goa Tourism Development Corporation,
Panaji-Goa.

..... Respondents

Decided on: 05/12/2024

ORDER

1. The instant penalty proceeding arise out of Order dated 21/12/2023 passed by this commission in Appeal No. 170/2023/SIC.
2. The core issue pertaining to the original application of the Appellant is been addressed in detail in the said order in the instant proceedings.
3. It is pertinent to address the specific Orders passed by the Commission while disposing the said appeal.

4. The Appellant was given liberty to undertake inspection of the file pertaining to his original application dated 20/02/2023, with prior intimation.
5. Public Information Officer (PIO) was directed to provide inspection and thereafter furnish the information identified by the Appellant within 2 days from the date of inspection free of cost.
6. It is the contention of the PIO that the Appellant was telephonically communicated about carrying out inspection if so desired by him.
7. The said contention is not contested by the Appellant. However, the Appellant also submits that he had to put in an extra efforts to seek inspection of such records.
8. It is pertinent to note that in terms of the said order dated 21/12/2023 show cause notice was issued to the PIO and the PIO was directed to remain present before the Commission alongwith the reply to the showcause notice on 22/01/2024.
9. However, on account of Public Holiday declared by the Government of Goa the matter was not taken up by the Commission and was

postponed to 01/02/2024, on which day the PIO remained absent.

10. Thereafter, Commissioner has demitted office but parties were given virtual hearing.
11. Upon resumption of regular proceedings of this Commission the matter was taken up on 15/10/2024.
12. Eventually, the reply which was supposed to be filed on 1/02/2024 was submitted on 06/11/2024.
13. Simultaneously, both the parties made their written submissions and also argued the matter.
14. It is the contention of the Respondent that the instant matter is about repetitively seeking information on the part of the Appellant and the Respondent had cited order of the Central Information Commission in Appeal No. CIC/CCITD/A/2017/107840-B dated 25/01/2018.
15. In the light of the said order any RTI applicant making repetitive applications on the same grounds is a valid case for refusal of information.

16. However, this Commission is of the considered opinion that such a stand should have been taken up in the course of the Appeal and not at this stage in the instant penalty proceeding.
17. The Commission now has the limited task of ensuring whether orders passed by the Commission have been complied with or not.
18. This Commission takes a strong cognizance of the negligence and inordinate delay on the part of the Respondent in terms of non-compliance of the orders of this Commission, in so far as issuance of reply to the showcause notice is concerned.
19. Such a conduct of the PIO, if left unattended, shall set a wrong precedent and at the same time encourage other PIO's to show further disregard towards the duties entrusted upon them by the Right To Information (RTI) Act and authorities constituted therein.
20. In the light of the above this Commission holds the PIO in gross violation of the orders dated 21/12/2023, and accordingly disposes the present penalty proceeding with orders as under:-

- a) Public Information Officer (PIO), Shri. S. K. Narvekar shall ensure that a fresh inspection of the concern file alongwith all requisite documents is provided to the Appellant on or before 12/12/2024 and provide certified copies of the relevant documents therein to the Appellant free of cost on or before 18/12/2024 and submit a compliance report to that effect to this Commission on or before 20/12/2024.
- b) The PIO Shri. S. K. Narvekar is imposed a penalty of Rs. 15,250/- (Rupees Fifteen Thousand Two Hundred and Fifty only) for a delay of 61 days in terms of filing his reply to the showcause notice. It may be noted that the period when the Commissioners had demitted office has not been considered to be fair and just towards the PIO.
- c) Further the PIO is directed to ensure that the Advocate engaged by him in this matter is not paid by the Government and the said fees of the Advocate shall be borne by him in his individual capacity and undertaking in compliance to the same shall be filed by the PIO on or before 20/12/2024.

Accordingly present penalty proceeding stands disposed and the proceedings stands closed.

Formal copy of the order to be communicated to both the parties

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