

GOA STATE INFORMATION COMMISSION

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

E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No. 51/2024/SCIC

Shri Vithal V.Volvoikar,
R/o. H. No. 809, Laxmi Niwas,
Porvorim, Bardez
Goa 403501.

..... Appellant

v/s

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

2. The First Appellate Authority,
Block Development Officer, Bardez,
Mapusa – Goa.

..... Respondents

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

RELEVANT FACTS OF THE APPEAL

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|---|---------------------|
| RTI application filed on | - 03-11-2023 |
| Respondent PIO reply | - 25-11-2023 |
| First Appeal filed on | - 08-12-2023 |
| First Appellate order on | - 11-01-2024 |
| Second appeal received on | - 15-02-2024 |
| Decision of the Second Appeal on | - 03-02-2025 |

Information Sought and Background of the Appeal

- Shri Vithal V. Volvoikar filed an RTI application dated 03/11/2023 to the PIO (Secretary, Village Panchayat, Penha da Franca) seeking inspection of inward register of the Panchayat office, Penha da Franca, for the period from 01/01/2015 to 31/12/2017.
- In response to the RTI application, PIO Shri Suresh Fadte vide letter dated 25/11/2023 replied to the Appellant as under "*with reference to your RTI application dated 03/11/2023, you are hereby informed to visit the office of Village Panchayat Penha da Franca on 01/12/2023 at 10.30 hours onwards for inspection of records*".

3. On receipt of the letter dated 25/11/2023 from the PIO, Appellant Vithal Volvoikar addressed a letter dated 01/12/2023, to the PIO authorising Shri Avinash V. Nasnodkar, Alto Betim to inspect the records on behalf of appellant. The authorisation letter carried specimen signature of Shri Nasnodkar.
4. As the authorised representative of the appellant was not allowed to inspect Village Panchayat records on the fixed date of 01/12/2023, Appellant filed first appeal dated 08/12/2023 to the First Appellate Authority (B.D.O Bardez). Appellant submitted that his representative Adv. Avinash V. Nasnodkar had visited the office of V.P. Penha da Franca at 11.00 a.m. on 01/12/2023 to inspect the records as informed by the PIO but PIO was not available in the office. Adv. Nasnodkar then met Village Panchayat Clerk Mr. Vinod Kumbharjuvekar, who insisted that the Appellant has to be present to inspect the register. The said clerk then contacted the PIO over phone and intimated Adv. Nasnodkar that PIO is busy and he cannot come to the office.
5. In the first appeal, Appellant prayed the FAA to give directions to the Respondent PIO to allow Adv. Nasnodkar to inspect the register on behalf of the Appellant and an explanation be called for, from the PIO for his absence in the office on 01/12/2023 after calling appellant to inspect the register.
6. After three hearings in the first appeal (December 20th& 28th2023 and January 9th2024), FAA vide order dated 11/01/2024 directed the Respondent PIO to give inspection of the said register to the Appellant along with his authorised person within 15 days of the order.
7. Appellant then approached the Commission with second appeal dated 15/02/2024 stating that the PIO acted in perverse and violated the provisions of RTI Act by not allowing inspection of records. The PIO not only shown utter disrespect and disregard to the order of the FAA but also bent upon not to comply with the direction of the FAA. Appellant

prayed for direction to the PIO to call for the records of register in the office of Commission for inspection by the Appellant/Authorised Person and fine of Rs. 10,000 as compensation be imposed on PIO.

FACTS EMERGING IN COURSE OF HEARING

8. The second appeal dated 15/02/2024 was not taken up for hearing till November 2024 as the posts of SCIC and SIC remained vacant from March 2024 to September 2024.
9. The incumbent SCIC took up the matter for hearing on 07/11/2024, 05/12/2024 and 18/12/2024 but Appellant remained absent for all three hearings and present PIO Shri Rupesh Halarnkar was present. A notice to the appellant returned back to the Commission on 26/11/2024 with postal remarks that 'no such person in the given address'.
10. When the matter called out for hearing today i.e. 03/02/2025, present PIO Shri Rupesh Halarnkar and Appellant's authorised person Adv. Avinash Nasnodkar appeared. Adv. Nasnodkar submitted the details with regard to the filing of RTI application to the second appeal before the Commission and the denial of information (inspection of inward register of Village Panchayat Penha da Franca) as well as the arrogant behaviour of then PIO Shri Suresh Fadte. However present PIO at this point expressed his willingness to provide inspection of the concerned register to the appellant or his authorised person.

ORDER

Accordingly, Commission directed the present PIO, Shri Rupesh Halarnkar to allow Adv. Avinash V. Nasnodkar, authorised person of the Appellant Shri Vithal V. Volvoikar to inspect the inward register of Village Panchayat Penha da

Franca for the period from 01/01/2015 to 31/12/2017 as sought under RTI application dated 03/11/2023 at Village Panchayat office at 11.00 a.m. on 15/02/2025.

With the above directions to the PIO, Village Panchayat Penha da Franca , Appeal No. 51/2024/SCIC disposed today, i.e.03/02/2025 and proceedings stands closed.

- **Pronounced in the open court.**
- **Notify the parties.**

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC