

GOA STATE INFORMATION COMMISSION
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Appeal No. 111/2025/SCIC

Savio Joseph Fernandes Sales,
Don Bosco High School,
Naika waddo, Calangute,
Bardez, Goa. -----Appellant

V/s

Public Information Officer,
Village Panchayat of Calangute,
Calangute, Bardez, Goa. -----Respondent

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

Relevant Facts Emerging from the Appeal

RTI application filed on	30/01/2025
PIO replied on	-
First Appeal filed on	19/03/2025
First Appellate order on	17/04/2025
Second appeal received on	29/04/2025
Decision of the Second Appeal on	03/02/2026

Information sought and Background of the Appeal

1. Shri. Savio J. Fernandes Sales field an application dated 30/01/2025 under RTI Act, 2005 to the PIO, Village Panchayat, Calangute, Bardez, Goa seeking information at 17 points (a-q) in respect of the demolition of the compound wall of Don Bosco School, Calangute and part of the shed in Survey No. 477/11.
2. Being aggrieved by the failure of the PIO to provide information sought vide application dated 30/01/2025, Appellant filed first appeal dated 19/03/2025 before the First Appellate Authority (FAA) praying that Respondent PIO be directed to furnish the information sought for.
3. During the course of hearing in the first appeal, Respondent filed written submission stating that the present appeal is not maintainable

by law as the information sought by the Appellant was kept ready on 31/01/2025 but the Appellant failed to collect the same. Instead of depositing fee and collecting sought information, Appellant preferred to file first appeal basically to divert time, money and energy of Panchayat.

4. First Appellate Authority vide order dated 17/04/2025 partly allowed the first appeal of the Appellant and directed the Respondent PIO to furnish information with respect to Point No. a, b, c, n, o, p and q (07 points) within a period of 10 days from the date of order but information sought at point no. d, e, f, g, h, I, j, k, l and m (10 points) rejected under RTI Act, 2005.

5. Subsequently, Appellant preferred second appeal dated 29/04/2025 before the Commission praying that records and proceedings be called from the First Appellate Authority (BDO-I, Bardez, Goa), order dated 17/04/2025 of the First Appellate Authority be quashed & set aside and information sought vide RTI application be furnished.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the filing of the present appeal, matter took up for hearing on 24/06/2025 for which Appellant present along with Adv. Peter A. Fernandes and Adv. Swati Verlekar present for Respondent PIO. Copy of the appeal memo duly served to the Respondent PIO's lawyer and matter fixed for Respondent PIO's reply on 15/07/2025.

7. Appellant and Respondent PIO's lawyer present for the hearing held on 15/07/2025. Respondent PIO's lawyer filed submission with copy to the Appellant. In the written submission dated 15/07/2025, Respondent PIO stated that -

- i. Present appeal is restricted to the rejection of RTI query no. (d) to (m) which were rejected by the First Appellate Authority vide order dated 17/04/2025.*
- ii. PIO has never denied information to the Appellant. Rather in the light of nature and volume of document sought by the Appellant and to ensure full transparency, PIO had offered the Appellant an opportunity to conduct physical inspection of the files/records in accordance with provisions of Section 2(f) and 7(9) of the RTI Act, 2005.*
- iii. Pursuant to the First Appellate Authority's order dated 17/04/2025 vide letter dated 16/05/2025 informed the Appellant that information sought under Points a, b, c, n, o, p and q of the RTI application has been compiled and ready for collection from the office of the PIO.*
- iv. Appellant was informed in the same communication that if he found the information incomplete, he may request for physical inspection of the records.*
- v. The said letter dated 16/05/2025 sent by Registered post with AD returned unserved with the postal remark dated 28/05/2025 'unclaimed'. Non receipt of the communication was not due to any lapse on the part of the PIO, who acted diligently.*
- vi. Record the readiness of the PIO to provide physical inspection of relevant records and direct the Appellant to avail opportunity for inspection and identify specific documents for certified copies.*

8. Respondent PIO's lawyer agreed to allow the Appellant to inspect the relevant records on any dates from July 22 to 28, 2025 as per the convenience of the Appellant but Appellant rejected the proposal. Matter fixed for arguments/order on 12/08/2025.

9. When matter called out for further hearing on 12/08/2025, Appellant present with Adv. Peter Fernandes and Respondent PIO was

represented by Adv. Swati Verlekar. Advocate for Appellant filed written arguments with additional copy to the Respondent.

- 10.** Advocate for Respondent PIO also filed submission along with 'memorandum for production documents' and a bunch of documents, for the Appellant and it was acknowledged by the Appellant's lawyer. In the memorandum of production of documents, Advocate for Respondent PIO submitted that incompliance with the order dated 17/04/2025 of the First Appellate Authority, certified documents (information) in respect of RTI query a, b, c, e, g, h, n, o and p alongwith supporting documents showing compliance with the demolition process, Requisition letters, orders to BDO, requisition to PWD and certificates (with regards to No stay, undertaking, recovery of costs etc) are furnished to the Appellant. With regard to point (o), the Village Panchayat Calangute confirmed that there is no video recording in respect of compound wall demolition and instead photographs were provided.
- 11.** Appellant's lawyer filed brief written argument dated 12/08/2025 in which it is pointed out that the PIO has the audacity to state that the Appellant should come for a physical inspection of the Panchayat file and point out the documents. According to the Appellant, it is responsibility of the PIO to inspect the file and issue the certified copy of the records. Moreover Appellant never asked for physical inspection of the file.
- 12.** Matter again took up for hearing on 16/09/2025 for which Appellant present alongwith his lawyer and Respondent PIO was represented by Adv. Swati Verlekar. Appellant filed memorandum for production of documents from the Respondent PIO stating that no information was given to many RTI queries and some other documents provided by the Respondent PIO were never sought under the RTI application and no purpose will be served by taking the same on record.

- 13.** When the matter called out on 07/10/2025, Advocates for Appellant and Respondent PIO present. Advocate for Respondent PIO filed point-wise submission supported by Annexures with an additional copy of the Appellant. Acknowledging the same, Advocate for Appellant requested for a longer date as Appellant is out of station. Accordingly matter adjourned to 06/11/2025.
- 14.** In point-wise submission on behalf of the Respondent PIO, it is stated that :
- i) Order dated 17/04/2025 of the First Appellate Authority has been fully complied with
 - ii) Point-wise reply dated 06/10/2025 has been issued to the Appellant enclosing original copy of resolution dated 25/11/2025 bearing Resolution No. J(01).
 - iii) Information and reply has been furnished to all points, (a) to (g) and where records are not available or not applicable, the same is clearly stated in the reply.
 - iv) The Panchayat does not maintain video recordings. However, photographs of the demolition have been provided to the Appellant in the previous hearing.
- 15.** Respondent PIO's lawyer prayed before the Commission to take on record the point wise reply and original documents furnished to the Appellant and to dispose the appeal.
- 16.** On the oral direction of the Presiding Commissioner on 07/10/2025, Respondent PIO vide letter dated 06/10/2025 produced before the Presiding Commissioner point-wise reply/information to the Appellant, RTI queries from point (a) to (q).
- 17.** Matter again took up for hearing on 04/12/2025 for which, Appellant present with lawyer and Respondent PIO's lawyer present. Appellant filed, point-wise reply dated 19/11/2025 to the Respondent PIO's point wise reply dated 06/10/2025. On his remarks to the Respondent PIO's point-wise reply, Appellant stated that information to

most of the RTI queries was not given to the Appellant prior to the second appeal filed before the Commission and furnished only during the course of hearing before the Commission. Appellant further stated that since the PIO failed to comply with the law he is liable for penalty u/s 20 of the RTI Act, 2005.

18. PIO filed written submission dated 04/12/2025 stating that -

Complete information has already been furnished at the second appeal stage.

- i. All documents available in the Panchayat records relating to points (a) to (q) of the RTI application dated 30/01/2025 have been provided to the Appellant.*
- ii. RTI proceedings concern only disclosure of existing records and not providing service or administrative procedure. Appellant's remarks like "whether a notice was pasted "?" Whether AD service was obtained "?" whether staff endorsed receipt "?" Etc. are outside the scope of the RTI Act.*
- iii. Where no record exists, "Not available" has been correctly stated.*
- iv. RTI points at (i), (j), (k), (l), and (m) are queries and interpretations. Therefore, the response "Not available/Not covered under RTI" is proper.*
- v. All demolition related records like demolition order, Panchayat resolution, demolition report, photographs and intimation letters were already furnished.*
- vi. Appellant is seeking to convert the RTI appeal into a dispute about the demolition procedure. Issues relating to legality or administrative actions cannot be adjudicated under RTI.*
- vii. Complete information has been furnished in compliance with the RTI Act and First Appellate Authority's order.*

19. Matter took up on 03/02/2026 for final arguments/order for which Appellant present alongwith his lawyer and Adv. Swati Verlekar present for Respondent PIO. Both the parties placed their final arguments before the Presiding Commissioner.

COMMISSION'S OBSERVATION

- i. It is a fact that there was no desired response from the Respondent PIO to the 17-point RTI application dated 30/01/2025.
- ii. First Appellate Authority (BDO-I, Bardez) vide order dated 17/04/2025 partly allowed the Appellant's first appeal and directed the Respondent PIO to furnish information pertaining to 07 points (Point No. a, b, c, n, o, p and q) but rejected information pertaining to remaining 10 points (Point No. d, e, f, g, h, i, j, k, l and m).
- iii. Pursuant to the order dated 17/04/2025 of the First Appellate Authority, Respondent PIO vide letter dated 30/05/2025 furnished a bunch of documents as information to various RTI queries of the Appellant.
- iv. The said bunch of documents interalia comprises copies of following information :
 - a) *Panchanama*
 - b) *Site inspection report.*
 - c) *Letter dated 15/01/2025 addressed by Secretary, Village Panchayat of Calangute to the BDO, Mapusa regarding submission of demolition proceedings of illegal construction of compound wall in the property bearing Survey No. 477/11, Naikwaddo, Calangute with reference to the Order received from the office of Dy. Collector & SDO, Panaji dated 18/12/2024.*
 - d) *Multiple photographs about demolition proceedings.*
 - e) *Report dated 07/01/2025 to the Collector, North Goa regarding execution of demolition drive on 02/01/2025.*
 - f) *Attendance sheet of the officials present for the demolition drive on 02/01/2025.*
 - g) *Order dated 18/12/2024 issued by the Collector & SDM and Incharge of the Demolition Squad, North Goa District granting demolition squad to the BDO-I, Bardez, Goa for the demolition of illegal construction of compound wall, stage and shed on the northern side in the property bearing Survey No. 477/11 at Naikwaddo, Calangute on 02/01/2025.*

- h) *Letter dated 17/12/2024 from BDO-I, Bardez, Goa to the Dy. Collector & SDO & Incharge of Demolition squad (North Goa) requesting for demolition squad for the purpose of demolition of illegal construction of compound wall in survey No. 477/11, Naikwaddo, Calangute in pursuant to the Demolition order No. VP/Cal/F-20/2024-25/2828 dated 18/10/24 of Village Panchayat Calangute.*
- i) *Requisition dated 11/12/2024 of Village Panchayat Calangute to BDO, Bardez for demolition squad for demolition of illegal construction of compound wall, stage and shed on the northern side of survey No. 477/11.*
- j) *Undertaking dated 26/11/2024 signed by the Sarpanch and Secretary Village Panchayat Calangute stating that the cost of demolition will be recovered in terms of section 66(4) r/w section 154 of the Goa Panchayat Raj Act, 1994 from Don Bosco High School, Naikwaddo, Calangute.*
- k) *Certificate dated 26/11/2024 issued by Secretary Village Panchayat Calangute that No stay obtained from any court of law in respect of demolition of illegal construction in survey no. 477/11, Naikawaddo by Don Bosco High School.*
- l) *Certificate signed by Sarpanch and Secretary, Village Panchayat Calangute to the effect that Panchayat has completed the procedure under the Goa Panchayat Raj Act, 1994 for the demolition of illegal construction in Survey No. 477/11, Naikawaddo, Calangute.*
- m) *Resolution No. IXJ (01) proposed by Sarpanch, Shri Joseph Sequeira and seconded by Geeta Parab which unanimously resolved to forward the file of illegal construction order for demolition u/s 66 of Goa Panchayat Raj Act, 1994 to the BDO for requisition of demolition squad.*

- n) Order issued by Secretary, Village Panchayat Calangute as per the Resolution No. IX J (17) dated 15/10/2024 and 18/10/2024 of Demolition u/s 66 (sub section 4) of Goa Panchayat Raj Act, 1994 addressed to the Headmaster/Headmistress, Don Bosco High School, Naikawaddo.*
- o) Resolution No. IX J (17) of the meeting dated 15/10/2024 which unconsciously resolved to issue demolition order as the reply received from the Headmaster, Don Bosco, High School, Naikawaddo, Calangute, to the Panchayat's show cause notice dated 19/09/2024 found unsatisfactory.*
- p) Show cause notice dated 19/09/2024 issued by the Secretary, Village Panchayat Calangute to the Headmaster, Don Bosco High School u/s 66 sub section 3 of the Goa Panchayat Raj Act, 1994.*
- q) Even though the response on the part of the Respondent PIO of the RTI application was not so positive, later complying with the order passed by the First Appellate Authority, Respondent PIO vide letter dated 03/05/2025 furnished all relevant information/document sought by the Appellant.
- r) During the course of proceedings in the present appeal, Appellant has printed out the non-receipt of some more specific reply/information from the Respondent PIO and on the directive of the Presiding Commissioner, vide letter dated 06/10/2025 furnished point-wise reply to Appellant.

In the fresh point-wise reply, Respondent PIO confirmed following certain specific points raised before the Presiding Commissioner by the Appellant :

- i. No complaints received by the Village Panchayat Calangute before demolition of illegal compound wall. (Point b).
- ii. Copy of intimation sent to the Collector (Point f).
- iii. No email sent or received (Point g).
- iv. Not applicable as Dy. Collector & SDOs are designated as nodal officers by the State Government for the regularisation of illegal

structure. At Panchayat level for demolition, responsibility falls on the Village Panchayat and B.D.O. (Point h).

- v. No personal hearings held (point i)
- vi. No digital portal available (point j)
- vii. No minutes available as no personal hearing held in the demolition matter (point k)
- viii. Videography of demolition drive was videographed and only photographs took and the same furnished.
- ix. Attendance sheet of all officials present for demolition drive (point p).
- x. Demolition report forwarded to the B.D.O. on 15/01/2025 (point q).

DECISION

Commission has come to the conclusion that :

- i. ***Following the intervention or direction issued by the Commission, Respondent PIO furnished information sought by the Appellant and vide RTI application dated 30/01/2025.***
- ii. ***On the directive of the Presiding Commissioner, Respondent PIO furnished specific and point-wise reply to the Appellant vide letter dated 06/10/2025 inorder to rule out Appellant's doubt or concern over few RTI queries.***
- iii. ***Upon perusal of Respondent PIO's letter dated 03/05/2025 to the Appellant enclosing bunch of documents revealed that all relevant and vital documents sought by the Appellant inconnection with the demolition of compound wall have been furnished to the Appellant.***
- iv. ***Since Commission has no jurisdiction to intervene in the procedural mistakes, administrative errors***

pointed out by the Appellant on the part of Village Panchayat Calangute in the compound wall demolition drive, Appellant is at liberty to approach the appropriate competent authority or court of law with his grievance.

- v. ***Taking into account of the Respondent PIO's failure to respond or furnish information within the stipulated time frame under RTI Act, 2005, Respondent PIO is directed to show cause as to why penal action should not be initiated u/s 20(1) of the RTI Act, 2005.***
- vi. ***Respondent PIO's reply should reach the Commission within 15 days from the receipt of this order.***

- Matter disposed.
- Proceeding stands closed.
- Pronounced in open court.
- Notify the parties.

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/-

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