GOA STATE INFORMATION COMMISSION

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Appeal No. 21/2025/SCIC

Mr. Siddharth Shivnath Shirodkar,
H.No.138/2,Shivnath Ghar,
Ward No.8, Near Goa Bagayatdar,
Valpoi, Sattari-Goa. ------Appellant

V/s

1.The Public Information Officer,
Chief Officer, Valpoi Municipal Council,
Valpoi, Sattari-Goa.

2.The Additional Director,FAA
Urban Development Department,
Panaji-Goa. ------Respondents

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

Relevant Facts Emerging from the Appeal.

RTI application filed on	- 03-06-2024
PIO replied on	- 14-06-2024
First Appeal filed on	- 30-07-2024
First Appellate order on	- 30-09-2024
Second appeal received on	- 16-01-2025
First Hearing Held on	- 02-04-2025
Decision of the Second Appeal on	- 23-04-2025

Information sought and background of the Appeal

1. Shri. Siddharth Shivnath Shirodkar filed an application dated 03/06/2024 under RTI Act to the PIO, Valpoi Municipal Council seeking the following information:

   "*Please provide copies of income certificate issued by your office to Mr. Mustakim Mohammed Shah Hassan Aga and his wife Mrs. Shahine Mustakin Aga, R/o. H. No. 37, Valpoi, Sattari and the application as well as documents submitted by them to obtain the income certificate for the period of January 2024 till the date of present application*."

2. In response to the RTI application dated 03/06/2024, PIO (Chief Officer, Valpoi Municipal Council) vide letter dated 14/06/2024 replied to the Appellant as under:

"*The information may be collected from this office within 8 days on payment of Rs.16/- on any working day before 3.00 p.m*."

3. Appellant then filed first appeal dated 30/07/2024 before the First Appellate Authority (Additional Director, Urban Development, Panaji) stating that the Respondent PIO has failed to provide the information within the specified period under RTI Act and prayed before the FAA to direct the Respondent to provide the information as per the application dated 03/06/2024.

4. First Appellate Authority heard the matter on September 20th, 23rd and 26th2024 and on 26/09/2024. Representative of the Respondent PIO submitted the following documents before the FAA:

   i. *Letter dated 14/06/2024 addressed to the Appellant to pay Rs.16/- to collect the information from Valpoi Municipal Council.*
   ii. *Receipt dated 14/06/2024 regarding payment of Rs.16/- of Valpoi Municipal Council.*
   iii. *Information as per RTI application of the Appellant.*

5. Appellant however submitted during the said hearing in first appeal that he has not received any notice for collecting the documents and has not made the payment dated 14/06/2024 of Rs.16/-.

6. The FAA (Additional Director, Urban Development, Panaji) passed an order dated 30/09/2024 stating that "*the Appellant is at liberty to collect said RTI information within 15 days from the receipt of this order from the office of the PIO/Chief Officer, Valpoi Municipal Council which shall be provided free of cost by the PIO/Chief Officer.*

   The Respondent PIO is henceforth directed to follow due procedure by obtaining acknowledgement receipt from RTI application by verifying original valid Government Photo Identity Card while disclosing RTI information."

7. Subsequently, Appellant preferred Second appeal dated 16/01/2025 before the Commission stating that that he had filed first appeal being aggrieved by the conduct/behaviour of the Respondent No.1 (PIO) and his failure to provide the information as per his RTI application. According to the Appellant, First Appellate Authority has disposed (30/09/2024) his appeal granting liberty to collect

information as per the RTI application from the office of the Respondent No.1 but till date the information sought is not furnished inspite of repeated approach to the Respondent No.1.

8. Appellant prayed before the Commission to direct the Respondent No.1 to provide information as per the application dated 03/06/2024, impose penalty on Respondent No.1 for failure to furnish information inspite of FAA's order and direct the Respondent to pay cost and expenditure incurred by the Appellant.

Facts Emerging in Course of Hearing

9. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 02/04/2025 for which Respondent No.1 (present PIO Shri. Dhiren Banaulikar) appeared but none present for Appellant. Later, Adv. Siddharth Malik appeared on behalf of the Appellant and matter adjourned to 23/04/2025.

10. When the matter taken up for further hearing on 23/04/2025, present PIO and Chief Officer, Valpoi Municipal Council appeared in person but none present for Appellant. Present PIO filed written submission dated 23/04/2025 stating that the Appellant had filed an RTI application dated 03/06/2024 for which reply was given by his predecessor (previous PIO/Chief Officer, Valpoi Municipal Council) vide letter dated 14/06/2024 and the Appellant had collected the information after paying the necessary fee of Rs.16/-. Present PIO has submitted before the Commission, copy of the letter dated 14/06/2024 containing 7 page documents and copy of Receipt No. 01483, Book No.1 of the payment of Rs. 16/- as fee for the information sought by the Appellant.

11. Present PIO's submission further states that while disposing the first appeal of the Appellant on 30/09/2024, FAA directed the Appellant to collect the desired information from the Office of the PIO/Chief Officer, Valpoi Municipal Council within 15 days. However, Appellant neither approached the Office of the PIO, Valpoi Municipal Council nor collected the sought information till date.

Commission's Observation

1. Materials available before the Commission clearly shows that the Respondent PIO duly furnished information to the Appellant's application dated 03/06/2024 vide letter dated 14/06/2024, after receiving payment of Rs.16/- from the Appellant being the charge of information vide Receipt No.01483, Book No.1 of Valpoi Municipal Council.

2. When the Appellant contented during the hearing in first appeal on 26/09/2024 that neither he has received the desired information nor paid an amount of Rs.16/- as fee to obtain information, FAA vide order dated 30/06/2024 granted liberty to collect the desired information, free of cost, from the office of the PIO/Chief Officer, Valpoi Municipal Council within 15 days from the receipt of the order but there is no material available before the Commission to substantiate the visit of the Appellant to the office of the PIO or collection of desired information despite FAA's order.

3. Present PIO/Chief Officer, Valpoi Municipal Council submitted that inspite of FAA's order dated 30/06/2024 directing the Appellant to collect the desired information from the office of the PIO within 15 days of the receipt of the order, Appellant has neither visited PIOs office nor collected the desired information till date.

4. Commission could not find any lapses or negligence on the part of previous PIO, present PIO and the FAA.

5. Appellant did not appear for hearings before the Commission.

DECISION

Considering the facts and circumstances, materials available before the Commission and the submission as well as oral argument made by the present PIO/Chief Officer, Valpoi Municipal

Council, Commission has decided to dispose the present Appeal No.21/2025/2025 today i.e. 23/04/2025 with the direction to the

present PIO" ***to provide the desired information, free of cost, to the Appellant vide has RTI application dated 03/06/2024 at the address given in the RTI application by Registered post with AD within seven days of the receipt of this order."***

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC