

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. 245/2025/SCIC

Dr. Gervasio S. F. L. Mendes,
H. No. 155, Rodrigues Ward,
Cavelossim, Salcete-Goa 403731. ---Appellant
V/s
The Public Information Officer,
Secretary,
Village Panchayat of Cavelossim,
Cavelossim, Salcete-Goa 403731. ---Respondent

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

Relevant Facts Emerging from the Appeal

RTI application filed on	17-05-2025
PIO replied on	06-08-2025
First Appeal filed on	31-07-2025
First Appellate order on	01-09-2025
Second appeal received on	07-10-2025
First hearing held on	11-11-2025
Decided on	20-11-2025

Information sought and background of the Appeal

1. Dr. Gervasio S. F. L. Mendes filed an appeal dated 17/05/2025 under RTI Act, 2005 to the PIO, Village Panchayat, Cavelossim, Salcete Taluka seeking following information in respect to the Construction of Residential cum Commercial Building of Mr. Anil Amrutrao Bandodkar in Survey No. 118/32 and 38 at Rodrigues Ward, Cavelossim, Salcete Taluka, Goa :
 - i) *"Approved Plan of the boundary wall recently constructed by Anil A. Bandodkar in the North-West set back.*
 - ii) *If approved, the authority that has approved and the basis of the approval.*
 - iii) *Whether the conditions No. 15, 28 and 30 in the construction Licence No. VP/CAV/2021/22 and dated 19/12/2021 have been adhered to by Mr. Anil A. Bandodkar.*

- iv) *If not, what action has the Village Panchayat of Cavelossim initiated in this regard.*
- v) *Whether the condition in the Resolution No. 38 of the Village Panchayat of Cavelossim meeting dated 21/12/2021 has been adhered to by Mr. Anil A. Bandodkar.*
- vi) *If not, what action has the Village Panchayat of Cavelossim initiated in this regard”.*

2. Failing to receive any reply/information from the PIO to his RTI application, Appellant filed first appeal dated 31/07/2025 before the First Appellate Authority (The Block Development Officer–I, Salcete) requesting to direct the Respondent PIO to furnish the information sought vide application dated 17/05/2025.

3. Respondent PIO vide letter dated 06/08/2025 replied to the Appellant giving point wise information as under :

<i>“ Point No. 1</i>	<i>No information available in office records.</i>
<i>Point No. 2</i>	<i>No information available in office records.</i>
<i>Point No. 3</i>	<i>Information/document related is enclosed (Copy of Judgment order, letter from Anil Bandodkar and inspection report is enclosed).</i>
<i>Point No. 4</i>	<i>Copy of information/letter issued is enclosed office records.</i>
<i>Point No. 5</i>	<i>Information/ document related is enclosed (Copy of Judgment order, letter from Anil Bandodkar and inspection report is enclosed).</i>
<i>Point No. 6</i>	<i>Copy of information/letter issued is enclosed office records”.</i>

4. Fixing the first appeal for hearing on 07/08/2025, the Block Development Officer-I, Salcete (Nimisha S. Faldessai) issued notice to the parties to the appeal directing them to remain present for the hearing on 07/08/2025. The First Appellate Authority(BDO-I, Salcete) vide order dated 01/09/2025 disposed the first appeal directing the Respondent PIO to provide point wise accurate information to the Appellant, free of cost, within 5 days of passing the order.

5. Appellant then preferred second appeal dated 07/10/2025 before the Commission stating that :

- i) The Respondent PIO, failed to provide information to the RTI application compelling the Appellant to approach the First Appellate Authority.
- ii) First Appellate Authority's order directing the Respondent PIO to furnish point wise accurate information was not complied with by the Respondent PIO.

Appellant prayed for direction to the Respondent PIO to provide information sought as per RTI application, impose penalty on Respondent PIO and direct the Respondent PIO to display prominently the designation of the PIO and the First Appellate Authority in the Village Panchayat Office.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing matter for hearing on 11/11/2025 for which Respondent PIO present and Adv. Vinod Korgaonkar appeared for Appellant.

7. Respondent PIO filed written submission dated 10/11/2025 with an additional copy to the Appellant. In the written submission, Respondent PIO stated that :

- a) Respondent has duly provided all information available in the office records of Village Panchayat Cavelossim.
- b) RTI queries raised by the Appellant; specifically, from Point No. 2 to 6 were in nature of seeking clarification, Justification or explanation rather than requesting specific information held in material form.
- c) First Appellate Authority erroneously directed the Respondent to provide "*accurate information*" without appreciating that RTI mechanism does not extend to providing opinions, reasons or interpretations.

d) As per provisions of RTI Act, 2005, a Public Information Officer is only required to provide information that exists and is available on record.

8. Both the parties placed their partial arguments before the Commission and the Presiding Commissioner directed the Respondent PIO to file proper and revised reply/information to the RTI application on the next date of hearing scheduled on 20/11/2025.

9. Matter took up for further hearing on 20/11/2025 for which Adv. Vinod Korgaonkar present for Appellant and Respondent PIO present in person.

As compliance to the Presiding Commissioner's direction dated 11/11/2025, Respondent PIO filed revised point wise reply to the Appellant's RTI application dated 17/05/2025. Adv. Vinod Korgaonkar appeared on behalf of the Appellant however questioned the relevance of Respondent PIO filing copy of Judgment /Order dated 30/11/2021 issued by the Court of Dy. Director of Panchayats, Margao, South Goa in Appeal No. DDPS/12/2021 (Shri. Anil Amrutrao Bandodkar V/s Village Panchayat Cavelossim) as information to Point No. 3 of the RTI application and lack of clarity to the information provided to the RTI query at Point No. 5.

COMMISSION'S OBSERVATIONS

10. Based on the submissions/ arguments placed before the Commission by the parties and perusal of materials available before it, Commission is of the opinion that :

- a) Appropriate reply/information is given by the Respondent PIO to the RTI query No. 1 in the revised reply filed and furnished to the Appellant's lawyer on 20/11/2025.
- b) Since no approval for the boundary wall construction is issued by the Village Panchayat, reply given to the RTI query no. 2 is correct.
- c) With regard to RTI query no. 3, the letter dated 06/08/2025 addressed to the Sarpanch/ Secretary, Village Panchayat Cavelossim, Salcete, Goa by Mr. Anil Amrutrao Bandodkar mentioned at para. no. 1 that the boundary

alignment, including the portion towards the north-west has been maintained within the property limits and does not obstruct any access or pathway.

- d) At Para No. 4 of the said letter, Mr. Anil Amrutrao Bandodkar clarified that there is no obstruction caused to any traditional pathway or access. The North-West setback referred to in the complaint remains open and unobstructed as required under the construction license.
- e) Respondent PIO (Secretary, Village Panchayat Cavelossim) submitted before the Commission that during the suo motto inspection carried out by the Village Panchayat Secretary, Village Panchayat Sarpanch and Applicant, Anil Amrutrao Bandodkar on 07/03/2025, it was found that the conditions laid down at Sr. No. 15, 28 and 30 of the construction License No. VP/CAV/2021-22/5 dated 09/12/2021 were adhered by Mr. Anil Amrutrao Bandodkar.
- f) According to Respondent PIO's revised written submission dated 20/11/2025 facts mentioned at (c) and (d) are applicable to RTI query at Point No. 5.
- g) As pointed out by the Respondent PIO, RTI queries of the Appellant at Point No. 2 to 6 are in question form.

DECISION

1. The Respondent PIO in revised reply/information dated 20/11/2025 to the RTI application emphatically stated at Point No. 1 that *"No approval for the boundary wall is issued to Mr. Anil Amrutrao Bandodkar"* but letter dated 06/08/2025 of Mr. Anil Amrutrao Bandodkar to the Sarpanch/ Secretary, Village Panchayat Cavelossim, Salcete submitted that *"I state that the construction activity, including boundary/compound wall, has been undertaken in accordance with the valid construction license issued by the Village Panchayat Cavelossim and in keeping with the overall layout of usage of the property as per sanctioned plans"*.

2. Since the Respondent PIO in his written revised written reply dated 20/11/2025 submitted that “No approval for the construction of boundary wall is issued to Mr. Anil A. Bandodkar”, Joint Inspection (07/03/2025) Report of the Panchayat prior to issuing occupancy & completion certificate has no mention about boundary wall but Shri Anil Bandodkar in his letter dated 06/08/2025 to the Village Panchayat Cavelossim clearly stated that the construction activity including boundary/compound wall has been undertaken in accordance with the valid construction license No. VP/Cav/2021-2022/5 dated 09/12/2021 issued by Secretary, Village Panchayat Cavelossim, Salcete Goa, Appellant is at liberty to approach appropriate authority with regard to the construction of boundary wall.

3. Matter disposed with above directions to the Appellant.

- 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

