

GOA STATE INFORMATION COMMISSION
 'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
 Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in
 website: www.gsic.goa.gov.in

Appeal No. 293/2025/SCIC

Shri. Shivprakash Rama Sawant,
 H.No. 256/1, Sawantwada Kakoda,
 Curchorem-Goa 403706.

.....Appellant

V/s

1.Shri. Yugandaraj V. Redkar,
 Dy. Town Planner/Public Information Officer,
 Town & Country Planning Department,
 Taluka Office Quepem,
 Quepem-Goa.

2. The Senior Town Planner (South),
 The First Appellate Authority,
 Town & Country Planning Department,
 4th Floor, Osia Complex,
 Margao, Salcete-Goa.

.....Respondents

Shri Aravind Kumar H. Nair – State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	12-04-2025
PIO replied on	16-07-2025
First Appeal filed on	11-08-2025
First Appellate order on	11-09-2025
Second appeal received on	25-11-2025
First hearing	14-01-2026
Decided on	31-03-2026

Information sought and background of the Appeal

1. Shri. Shivprakash Rama Sawant filed an application dated 12/04/2025 under Right to Information (RTI) Act, 2005 to the Public Information Officer (PIO), Town & Country Planning Department, Quepem, Goa seeking following information:-

- i. *Provide certified/details of documents all/ required for obtaining Technical Clearance Order for construction of House in property zoned as Settlement Zone in Regional Plan of Goa -2021, situated at Village Cacora, Taluka Quepem, Goa.*

- ii. Provide certified copies of Technical Clearance Orders issued by your good office for construction of Houses without obtaining all/required documents sought in Point No. i for the years 2023 & 2024.*
- iii. Provide certified copy of documents submitted for Technical Clearance Order before your good office for construction of House situated in Survey No. 138/17 of Village Cacora Taluka Quepem Goa and if Technical Clearance Order issued then provide certified copy of the same.*
- iv. Provide details of documents required by your good office for obtaining Technical Clearance Order in not promulgated nor partitioned property bearing Survey No. 397/3 of Cacora Village of Quepem Taluka.*
- v. Provide details of documents required if Form II is used for obtaining Technical Clearance Order in not promulgated nor partitioned property bearing Survey No. 397/3 of Cacora Village of Quepem Taluka.*

Apart from seeking information at above cited 5 points, Appellant also sought certain information under sub points b to j.

- 2.** In response to the RTI application, PIO (Dy. Town Planner) vide letter dated 16/07/2025 replied that information sought at Point No. 1 is available in the office records and requested to collect the same after making payment. Respondent PIO also requested the Appellant to inspect the concerned file. Respondent PIO informed the Appellant that the information sought at Point No. ii, iii, iv & v are not available in the office records.
- 3.** Being aggrieved by the reply/information furnished by the Respondent PIO, Appellant filed first appeal dated 11/08/2025 before the First Appellate Authority (FAA) praying for directions to the Respondent PIO to furnish correct and complete information sought by the Appellant.
- 4.** FAA (Senior Town Planner/South) after hearing both the parties passed an order dated 11/09/2025 ruling that the information given by the PIO is incomplete and therefore the PIO is hereby directed to

provide the point-wise specific relevant information to the Appellant as per the RTI application within 8 days from the receipt of the order.

- 5.** Failing to comply with the FAA's order by the Respondent PIO, Appellant preferred second appeal before the Commission stating that the Respondent PIO totally failed to comply FAA's order within the stipulated time frame demonstrating lack of respect for the statutory authority.

Appellant in his second appeal prayed for direction to the Respondent PIO to immediately furnish complete information relating to the file No. TPQ/CT/7828/Q-Cacora/397/3/2024/112 dated 10/01/2024, impose maximum penalty on the PIO u/s 20(1) of the RTI Act, recommend disciplinary action against the PIO u/s 20(2) of the RTI Act and award compensation to the Appellant u/s 19(8)(b) of the Act for the determinant, loss of time and mental agony suffered due to denial of information and non-compliance of the FAA's order.

- 6.** Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 14/01/2026 for which Appellant present alongwith Adv. Harshad H. Arsekar. Then PIO, Shri. Yugandaraj V. Redkar present alongwith the then APIO, Shri. Saurav Naik. PIO filed written submission stating that all the information / documents available in the office records have already been furnished to the Appellant as per his RTI application. No information has been deliberately withheld by the office of the PIO, who has been transferred from the unit w.e.f. 14/11/2025.

- 7.** Both the parties placed their partial oral arguments before the Presiding Commissioner, who directed the PIO to furnish documents collected by Dy. Town Planner (PIO) to issue Technical Clearance to Mrs. Diksha N. Sawant for the proposed construction of residential building in Survey No. 397/3 of Cacora Village in Quepem Taluka on the next date of hearing slated for 04/02/2026.

8. When the matter called out for further hearing on 04/02/2026, Appellant present with his lawyer. Then PIO present alongwith the present PIO, Ms. Roseann Diniz. Presiding Commissioner directed the Respondent PIO to file proper and revised reply/ information alongwith certified copies of documents as sought by the Appellant in his RTI application dated 12/06/2025. Matter adjourned for final arguments/ order on 02/03/2026.

9. Matter took up for final arguments on 02/03/2026 for which Appellant and Respondents present. Complying with the oral directions of the Presiding Commissioner dated 04/02/2026, the PIO filed revised reply/ information alongwith a bunch of documents and PIO's reply to the present appeal. Copy of the same received by the Appellant. Since the lawyer for the Appellant sought time to scrutinise the information/ documents and to adequately prepare for final arguments, matter posted to 31/03/2026 for final arguments and order.

10. When the matter took up again for final arguments/order on 31/03/2026, both the parties present. Appellant's lawyer Adv. Harshad H. Arsekar filed written arguments dated 31/03/2026 besides making oral arguments, stating that:-
 - i. *Inspite of FAA's specific order giving 8 days deadline to furnish information, Respondent PIO furnished 28 pages information on 12/02/2026 only after the intervention by the Commission.*
 - ii. *Belated production of documents/ information is an unequivocal admission that the records always existed in the office of the PIO.*
 - iii. *Post facto compliance during the second appeal stage (on 12/02/2026) does not cure the statutory breach or the contempt of the FAA's order.*
 - iv. *"Transfer of officials handling the matter" is not an excuse to the non-compliance of the FAA's order.*
 - v. *Respondent PIO malafidely withheld the information sought by replying "not available in the office records."*

- vi. Impose maximum penalty of Rs. 25,000/- on Respondent PIO, Shri. Yugandaraj V. Redkar, u/s 20(1) of the RTI Act, 2005 for malafidely withholding the information and defining FAA's binding order.*
- vii. Recommend disciplinary action against the Respondent PIO for persistent obstruction of transparency.*
- viii. Award compensation to the Appellant for the severe detriment, financial loss and mental agony suffered due to forced litigation caused by the PIO's dereliction of duty.*

When Presiding Commissioner instructed the Respondent PIO to place his say, if any, over the arguments made by the Appellant's lawyer, Respondent PIO orally submitted that there was no intentional delay or disobedience of statutory authority. All available information was furnished to the Appellant. Technical Clearance for Survey No. 397/3, Cacora, Quepem was issued by the TCP Department on the basis of the documents submitted by the applicant. The information sought by the Appellant could not be furnished due to the transfers of the officials handling the matter.

COMMISSION'S OBSERVATION

- i. There was marginal delay in furnishing information in respect of Point No. 1 of the RTI application dated 12/06/2025 and reply to the remaining 4 RTI queries.**
- ii. Rest of the 9 sub-queries (b-j) of the RTI application, are in question form.**
- iii. FAA's order dated 01/09/2025 was not complied with by the Respondent PIO.**

- iv. There is no justification to the Respondent PIO's statement that information could not be furnished due to transfers of the officials handling the matter.
- v. Appellant failed to substantiate the severe detriment, financial loss and mental agony suffered due to the delay in receiving the sought information.
- vi. The core RTI request of the Appellant was certified details of documents required for obtaining Technical Clearance for construction of House at Survey No. 397/3, Cacora Village, Quepem Taluka, Goa for which Respondent PIO vide letter dated 16/07/2025 replied the Appellant about the availability of information and to collect the same after making necessary fees.
- vii. In order to recommend disciplinary action, Respondent PIO has not been noticed for persistent obstruction of transparency.
- viii. There is a lapse on the part of the Respondent PIO in complying with the order passed by the FAA.

DECISION

- i. **Since the Respondent PIO furnished complete information supported by necessary documents to the Appellant on 12/02/2026 after the intervention by the Presiding Commissioner, the matter is disposed of.**
- ii. **However, considering the lapse on the part of the Respondent PIO in complying the order dated 01/09/2025 passed by the First Appellate Authority, Commission hereby directed the Respondent PIO to show cause as to Why maximum amount of penalty should not be imposed for non-compliance of the FAA's order amounting to the**

disobedience to the PIO's Superior officer and disrespecting the RTI Act, 2005.

Reply of the Respondent PIO should reach the Commission within 10 days from the receipt of this order.

- Proceeding stand closed.
- 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