

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. 04/2025/SIC/SCIC

Public Information Officer,
Village Panchayat, Candolim,
Candolim, Bardez-Goa 403515.

----Appellant

V/s

1. Anthony D'Souza,
H.No.141, Dando,
Candolim, Bardez-Goa.

2. The First Appellate Authority,
Block Development Officer-I, Bardez Taluka,
Mapusa, Bardez-Goa.

----Respondents

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

Disposed on : 12/06/2025

FACTS IN BRIEF

1. Shri Anthony D'Souza filed an application dated 14/10/2024 under RTI Act, 2005 to the PIO, Village Panchayat, Candolim, Bardez, Goa seeking *"inspection of all documents submitted to renew Trade Licenses for the year 2024-2025 by the people within the jurisdiction of Village Panchayat of Candolim"*.
2. In response to the RTI application, PIO (Secretary, Village Panchayat Candolim) vide letter dated 11/11/2024 replied as under :
"With reference to your application dated 14/10/2024 having inward No.2380, the information sought u/s 6(1) of RTI Act, 2005 is non-specific and vague in nature. Therefore, the same do not come under the ambit of Section 2(f) of the RTI Act, 2005."
3. Aggrieved by the reply furnished by the PIO, RTI applicant filed first appeal dated 19/11/2024 to the First Appellate Authority (FAA/BDO-I, Bardez) stating that the Respondent PIO failed to furnish information giving frivolous reasons.

4. FAA (BDO-I, Bardez) while observing that the information sought by the RTI applicant is non-specific, vide order dated 23/12/2024 directed the *'Respondent PIO to give physical inspection provided the RTI applicant specify the requests within 10 days of passing this order'*.
5. Subsequently, PIO (Secretary, Village Panchayat, Candolim) claiming being aggrieved by the order dated 23/12/2024 passed by the FAA, filed an appeal dated 03/01/2025 before the Commission with the RTI applicant Shri. Anthony D'Souza and the FAA (BDO-I, Bardez) as Respondent No.1 and 2 respectively in the Appeal.
6. In the appeal filed before the Commission, Second Appellate Authority under RTI Act, 2005, Appellant (PIO, Secretary, Village Panchayat, Candolim) submitted that :
 - i. Appellant found the RTI application filed by Shri. Anthony D'Souza was not specific and vague in nature.
 - ii. During the hearing in RTI applicant's first appeal before the FAA, Appellant replied that he had followed procedure u/s 8(1) (d) and 11 of the RTI Act, 2005.
 - iii. Respondent No.2 (FAA) has not taken into consideration the guidelines of RTI Act, 2005 and passed orders contrary to the provisions of law under RTI Act, 2005.
 - iv. The observations made by the Respondent No.2 (FAA) in the order in first appeal are contrary to records as well as against the principal of natural justice and the provisions of the RTI Act are violated.

Facts Emerging in Course of Hearing

7. Pursuant to the present appeal filed by the Appellant (PIO and Secretary, Village Panchayat, Candolim), parties were notified fixing the matter for hearing before the State Information Commissioner on 17/04/2025 for which, Appellant PIO was absent. Respondent No.1, Shri. Anthony D'Souza and Respondent No.2 (FAA) present in person. Respondent No.2 filed reply to the appeal along with the copy for other side. Due to some urgent and unavoidable work, SIC could not hear the matter and postponed to 12/05/2025.

8. When the matter called out on 12/05/2025, Respondent No.1 has filed an application dated 12/05/2025 to the Registry to tag the present Appeal bearing Appeal No.04/2025/SIC along with Appeal No.77/2024/SCIC filed by him against the PIO, Village Panchayat, Candolim (Appellant of Appeal No. 04/2025/SIC). Accordingly, the Appeal No.04/2025/SIC is transferred from the of SIC to SCIC.
9. On transfer from SIC, Appeal No. 04/2025, was called out for hearing before the SCIC on 11/06/2025 for which Respondent No.1 appeared in person but none present for Appellant.

Commission's Observations

- i. The present appeal filed by the PIO (Secretary, Village Panchayat, Candolim) was fit for rejection at the stage of admission itself being misconceived appeal.
- ii. Under RTI Act, 2005, Second appeal before the Information Commission is a remedy available to the information seeker when he was denied information by the PIO and FAA.
- iii. The order passed by the FAA in first appeal found to be based on merit and justifiable reasons.
- iv. Instead of complying with the order passed by the FAA, how PIO can term himself as "Aggrieved" by the order of FAA.
- v. Since the PIO is not aggrieved and RTI Act, 2005 does not offer any provisions to the PIO to file Second appeal, *how the PIO can approach the Commission challenging the order passed by the FAA and naming information seeker and FAA as Respondent No.1 and 2 respectively in his appeal.*
- vi. The present appeal filed by the PIO against information seeker and FAA has sufficient ground to initiate penal as well as disciplinary action against the PIO on the ground of gross indiscipline, disrespect to the First Appellate Authority and violation of the Principles and Provisions of the RTI Act, 2005.

- vii. However, Presiding Commissioner has taken cognizance of the application dated 12/06/2025 for withdrawal of Appeal No.04/2025/SIC filed by Advocate for the Appellant.

DECISION

Since Adv. Swati Verlekar, Appellant's lawyer, has filed an application dated 12/06/2025 for withdrawal of present appeal on the ground that the Appellant (PIO/Secretary, Village Panchayat Candolim) after due consideration has decided not to pursue the Appeal No. 04/2025/SIC and intends to withdraw the same, Commission decided (12th June 2025) to dispose off the aforesaid appeal as 'Withdrawn by the Appellant'.

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/-

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