

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 109/2025/SCIC

Shri Bhalchandra G. Amonkar,
H. No. KB75 (29), B-302, Phase-I,
The Casa Amora Phase-I,
Cooperative Housing Society,
Kadamba Plateau, Bainguinim-Goa 403402. ---Appellant

V/s.

1.The Public Information Officer,
Francis X. Corte,
District Commandant, Home Guards,
Panaji-Goa.

2.First Appellate Authority,
Dy. Commandant General, Home Guards,
Dy. Director, Civil Defence,
Panaji-Goa. ----Respondents

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	- 21/02/2025
First Appeal filed on	- 05/03/2025
First Appellate order on	- NIL
Second appeal received on	- 23/04/2025
Decision of the Second Appeal on	- 23/06/2025

Information sought and background of the Appeal

- Shri Bhalchandra G. Amonkarfiled an application dated 30/01/2025 under RTI Act, 2005 to the PIO, O/o The Commandant General of Home Guards, seeking to furnish certified copies of the following :
 - Noting Sheet No.3/N, 4/N, 10/N, 11/N.*
 - Correspondence Side: 3/c, 27/c, 34/c, 35/c, 55/c, 59/c, 60/c, 63/c, 65/c, 66/c, 69/c, 71/c, 86/c.*
- In response to the RTI application, PIO(Shri. Francisco X. Corte, District Commandant,Home Guards) vide letter dated 21/02/2025 replies as under:

“It is to inform that the information sought by you is ready in this office.

You are hereby informed that you may collect the same from the office of Home Guards and Civil Defence Organisation, Altinho, Panaji by paying an amount of Rs.32 towards the cost of supplying 16 pages of information.”

3. Accordingly, the information was collected by the Appellant on 03/03/2025.
4. However, Appellant subsequently filed first appeal dated 05/03/2025 before the First Appellate Authority (Dy. Commandant General of Home Guards, Panaji) stating that the amount of Rs.32/- collected from him being the cost of 16-page information to be refunded because the information sought vide RTI application dated 30/01/2025 is received only on 03/03/2025 as March 01 and 02, 2025 was Saturday and Sunday(holidays), eventhough, he received letter from the PIO on 28/02/2025(Friday). Appellant prayed before the FAA to take appropriate action against the PIO for undue delay in providing information.
5. Failing to hear his first appeal and pass an order by the FAA, Appellant preferred Second appeal dated 23/04/2025 before the Commission stating that :
 - a) Respondent PIO caused delay in furnishing information and hence the fee paid (Rs.32) to collect the information need to be returned.
 - b) Appropriate action to be taken against the PIO for undue delay in providing information.
 - c) FAA did not hear Appellant’s first appeal till filing the present appeal before the Commission.

Facts Emerging in Course of Hearing

6. Pursuant to the filing of present appeal by the Appellant, parties were notified fixing the matter for hearing on 28/05/2025 for which, Appellant appeared in person and Smt. Chandrakala Luis (APIO, Home Guard) appeared on behalf of Respondent 1 and Respondent 2 (PIO and FAA) with authority letter. APIO filed a copy of the letter dated 27/05/2025 addressed by the FAA to the Under Secretary (Home-I), Government of

Goa, requesting to appoint an Advocate from the panel of Government Advocates to represent FAA in the present Appeal No.109/2025/SCIC.

7. Directed the Respondent PIO to file reply before the next hearing scheduled on 23/06/2025 and FAA was directed to file an explanation by June 16,2025 for failing to hear and issuing an order in first appeal dated 05/03/2025 filed by the Appellant.
8. Complying with the direction issued by the Presiding Commissioner, Respondent PIO (Shri. Francisco X. Corte, District Commandant, Home Guard) filed written reply dated 09/06/2025 stating that the applicant had filed RTI application on 30/01/2025 and the deadline of 30 days time period was on 01/03/2025. However, the letter to the Appellant requesting to collect the information was dispatched from the office on 24/02/2025 well within the period of stipulated 30 days time frame and as per the postal records, Appellant received the said speed post letter on 25/02/2025 which is also well within the stipulated time period. Accordingly, Appellant collected the information on 03/03/2025, two days after the stipulated 30 days.
9. Pursuant to the Commission's direction, FAA vide letter dated 12/06/2025 submitted that First Appeal dated 30/12/2024 was heard on 15/01/2025 and vide Order dated 15/01/2025, PIO was directed to furnish information sought at Point No. 1, 3 & 4 and allow the Appellant to inspect the records with reference to Point No. 6 of the RTI application dated 13/11/2024.
10. Matter was taken up for further hearing on 23/06/2025 for which Appellant and Respondent PIO appeared in person. Appellant submitted that since he received information after the stipulated time frame of 30 day, he is entitled to get the information free of cost and Respondent PIO is bound to refund Rs.32/- paid by him to collect the information. Appellant further submitted about the failure of the FAA (Ezilda D'Souza, Dy. Commandant General, Home Guards) to hear and dispose the first appeal dated 05/03/2025 filed by him.

11. Respondent PIO submitted that there was no deliberate or malafide delay in furnishing information. The speed post letter dated 24/02/2025 intimating the Appellant to collect the information and the receipt of the same by the Appellant on 25/02/2025 are well within the stipulated time frame of 30 days.
12. Based on the oral arguments and submission placed before the Commission by the parties to the Appeal, Commission has come to the conclusion that :
 - i. **There was no wilful or malafide delay on the part of the Respondent PIO in furnishing desired information to the Appellant.**
 - ii. **Appellant received information on 32nd day instead of the stipulated time frame of 30 days and it was primarily due to the collection of the information by the Appellant from the office of the Respondent PIO on March 03, 2025 only on account of February 01 and 02, 2025 being Saturday and Sunday.**
 - iii. **The present appeal is pertaining to Appellant's RTI application dated 30/01/2025 and first appeal dated 05/03/2025 but FAA's written submission dated 12/06/2025 is totally silent about the said first appeal and on the contrary stated about the order dated 15/01/2025 in connection with Appellant's first appeal dated 30/12/2024 in RTI application dated 13/11/2024.**
 - iv. ***Section 19(6) of the RTI Act specifies that an Appeal under Sub Section (1) or Sub Section (2) shall be disposed of within 30 days of the receipt of the appeal or within such extended period not exceeding total of 45 days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.***

- v. The order passed by the FAA should be a speaking order giving justification for the decision arrived at.
- vi. In this present appeal, Appellant first appeal dated 05/03/2025 is not heard, decided and passed an order by the FAA.

DECISION

- i. Since the Respondent PIO has furnished complete information to the Appellant and there was no wilful or malafide delay on the part of Respondent PIO, Commission disposed of the Appeal No.109/2025/SCIC today i.e. 23/06/2025.

Directions to FAA

- ii. However, taking a serious note on the failure of the First Appellate Authority to hear, decide and pass an order in the first appeal dated 05/03/2025 filed by the Appellant, FAA is hereby directed to file an explanation on failing to dispose the first appeal amounting to violation of the RTI Act, 2005 and responsibilities of FAA.

The explanation should reach the Commission by July 15, 2025.

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

