

GOA STATE INFORMATION COMMISSION
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Appeal No. 103/2025/SCIC

Shri. Sushant P. Nagvekar,
H. No. C-312, Fonduvem,
Ribandar-Goa. ----- Appellant

V/s

1. The Public Information Officer,
North Goa Planning and Development Authority,
Panaji-Goa.

2. The First Appellate Authority,
North Goa Planning and Development Authority,
Panaji-Goa. ----- Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	-
PIO replied on	23/12/2024
First Appeal filed on	10/01/2025
First Appellate order on	07/04/2025
Second appeal received on	07/05/2025
Decided on	29/10/2025

Information sought and background of the Appeal

1. Shri. Sushant P. Nagvekar filed an application dated Nilin November 2023 under RTI Act, 2005 to the PIO, North Goa Planning and Development Authority(NGPDA) seeking following information with reference to the statement of Adv. Hanumant Naik, Counsel for North Goa Planning and Development Authority, before the TCP's 206th Board meeting to the effect that "*No approval of any kind under Section 44 of TCP Act has been issued by the North Goa Planning and Development Authority for the development* 'which according to the Appellant is the sole of ground for dismissal of Appeal No.440/2024 u/s. 52 (2) of TCP Act.

"Kindly confirm if :

i. *North Goa Planning and Development Authority stands by the said statement as true.*

- ii. *If true or if the issue cannot be firmly replied to, please furnish inspection of complete record which form the said statement.*
- iii. *Address and Contact Number of the Counsel Adv. Hanumant Naik".*

2. In response to the RTI application, PIO/North Goa Planning and Development Authority vide letter dated 23/12/2024 replied as under :

"As per the Right to Information Act, 2005 the information has been defined u/s. 2 (f) of the said Act. Therefore, the information can be applied for which is available with the office of the Authority and the information which is in the form of queries cannot be answered. Therefore your request for information at 4 (1&2) cannot be provided. However, if any specific request is made for seeking information available in the office of the Authority, the same will be provided".

3. Being aggrieved by the reply received from the PIO/North Goa Planning and Development Authority, Appellant filed first appeal dated 10/01/2025 before the First Appellate Authority.

4. FAA(Member Secretary/North Goa Planning and Development Authority) vide order dated 06/03/2025 dismissed the first appeal on the ground that *"the Appellant is not seeking specific information but referred to some portion of the order passed by the Town and Country Planning Board. Moreover the information sought by the Appellant is not falling within the definition of information and as such the Respondent PIO rightly rejected the same and also the information in relation to the Advocate who appeared before the TCP Board".*

5. Subsequently Appellant preferred Second appeal dated 07/05/2025 before the Commission stating that the Respondent No.2 incomplete disregard and without deciding on the preliminary objections relating to Jurisdiction passed the impugned order dated 07/04/2025. Appellant prayed that direction be issued to the Respondent PIO to provide information free of cost and initiate penal as well as disciplinary actions against the Respondents.

FACTS EMERGING IN THE COURSE OF HEARING

6. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing at 11.00 a.m. on 12/06/2025 for which Appellant and Respondent absent. Later around 12.00 p.m. Appellant appeared and matter posted to 16/07/2025.

7. Matter took up for hearing on 16/07/2025 for which Appellant absent and Adv. Sayeli Bandodkar appeared on behalf of Respondent PIO (Respondent No.1) and submitted that reply to the appeal memo will be filed on the next date of hearing, 07/08/2025.

8. When the matter called for hearing on 07/08/2025, Appellant present and Adv. Sayeli Bandodkar present for Respondent PIO. Presiding Commissioner directed the lawyer for the Respondent PIO to file reply to the appeal memo on or before September 05, 2025 and fixed the matter for further hearing on 12/09/2025.

9. Appellant and Respondent PIO's lawyer present for hearing held on 12/09/2025. Adv. Sayeli Bandodkar filed Respondent PIO's submission with an additional copy to the Appellant.

In the written submission, Respondent PIO submitted that :

- i. The Second appeal filed by the Appellant is misconceived as Appellant vide his application dated 28/11/2024 has not specifically asked for information readily available with the PIO instead he has referred some statement made by the Advocate appearing for the North Goa Planning and Development Authority before the TCP Board.
- ii. FAA duly issued Notice to the Appellant for hearing fixed on 31/01/2025 but Appellant failed to appear before the FAA and accordingly fresh notice dated 25/02/2025 has issued fixing the hearing in first appeal on 06/03/2025. However, Appellant stated that Notice dated 25/02/2025 has no sanctity under the statute as the Jurisdiction of FAA has already lapsed.

iii. FAA vide order dated 07/04/2025 dismissed the first appeal as the information sought by the Appellant is not falling within the definition of 'information'.

Matter adjourned to 23/09/2025 for further hearing.

10. When the matter took up for further hearing on 23/09/2025 Appellant and Respondent PIO's lawyer Adv. Sayeli Bandodkar present. Appellant filed synopsis of written argument dated 23/09/2025 stating that :

- i. Respondent No.2 (FAA) failed to dispose the Appeal within the time frame under the Act.
- ii. Delay and consequential lack of Jurisdiction is fatal to the order dated 07/04/2025.

11. When the matter took up for hearing on 29/10/2025, Respondent PIO's lawyer filed short written submission stating that -

- i. Appellant is not seeking the information which is readily available with the office of the North Goa Planning and Development Authority.
- ii. Appellant submitted that his first appeal has not decided within 45 days. However, from the record it is found that Appellant's first appeal dated 10/01/2025 was fixed for hearing on 31/01/2025 but since Appellant failed to appear citing adequate time was not given to him, fresh notice dated 25/02/2025 was issued. However Appellant again failed to attend the hearing intimating that 45 days has been lapsed.
- iii. The Respondent PIO has rejected the application by giving proper reason and the rejection was upheld by the FAA too.
- iv. Since no case is made out of the Appeal, same deserved to be dismissed.

In his synopsis of oral argument dated 29/10/2025, Appellant submitted that the veracity of the non-availability of the information in the records of the Authority be verified and not assigning reason for rejecting of request be viewed for necessary action.

COMMISSION'S OBSERVATIONS

- i. Appellant's RTI query of "Kindly confirm if -North Goa Planning and Development Authority (NGPDA) stands by the statement ("No approval of any kind u/s. 44 of TCP Act has been issued by the authority for the development") of the lawyer of North Goa Planning and Development Authority as true cannot be considered as an RTI query in its true sense.
Hence the Respondent PIO is not bound to give any information to the said RTI query through which Appellant desires clarification or confirmation from the Public Authority (NGPDA) to the statement made by the NGPDA's lawyer in the TCP's 206th Board meeting.
- ii. Appellant cannot blame entirely the First Appellate Authority for not deciding his first appeal within the stipulated/extended time period of 45 days. As per the materials available before the Commission, the FAA in the present appeal had served notice dated 23/01/2025 to the Appellant fixing the appeal for hearing on 30/01/2025. However Appellant, who received the said notice on 29/01/2025 requested the Authority to reschedule the hearing claiming that he was not given adequate time to prepare himself for the hearing and accordingly FAA fixed 06/03/2025 as the revised date for hearing.
- iii. Subsequently Appellant vide letter dated NIL (mentioned as March 2025 only) submitted before the FAA that "Jurisdiction of the Hon'ble Authority has already lapsed and therefore the notice dated 25/02/2025 has no sanctity under the statute".
- iv. **Both Appellant and the FAA found to be equally responsible for fixing a delayed date for hearing/deciding first appeal.**
- v. **When FAA rescheduled the date of hearing from 30/01/2025 to 06/03/2025, FAA failed to give any reason for fixing the hearing on a longer date instead of a shorter date to hear as well as to dispose the first appeal.**

vi. **Since the Section 19(6) of the RTI Act, 2005 specifies that- 'any appeal under sub-section (1) or sub-section (2) shall be disposed within thirty days of the receipt of the appeal or within such extended period of not exceeding a total of forty-five days from the date of filing thereon, as the case maybe for reasons to be recorded in writing', FAA should ensure that appeals filed before him/her is disposed within the stipulated time frame by serving the notice reasonably in advance and granting an opportunity to the parties to place their say in the said appeal before the Authority.**

DECISION

- i. **After analysing the RTI queries of the Appellant, decision of the Respondents in Appellant's application as well as first appeal and submissions/arguments placed before the Commission by the parties to the present appeal, Commission directed the Respondent PIO to allow the Appellant to physically inspect the record/file which Appellant referred at Query No. 2 of his RTI application dated 'November 2023'.**
- ii. **Physical inspection should be allowed to the Appellant within 10 days from the date of receipt of this order and the Respondent PIO should file the compliance report to the Commission within 15 days from the date of receipt of this order.**
 - 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

