

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. 255/2024/SCIC

Alex J. Fernandes,
H. No. 140, Umta Vaddo,
Calangute, Bardez, Goa 403516.

----Appellant

V/s

1.The Secretary/PIO,
Village Panchayat of Calangute,
Calangute-Goa.

2.Block Development Officer- Bardez,
First Appellate Authority,
Mapusa-Goa 403507.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	02/07/2024
PIO replied on	10/09/2024
First Appeal filed on	12/09/2024
First Appellate order on	24/10/2024
Second appeal received on	26/11/2024
Decided on	05/02/2026

Information sought and background of the Appeal

- Shri. Alex J. Fernandes filed an application dated 02/07/2024 to the PIO, Village Panchayat, Calangute seeking action initiated on a legal notice dated 11/06/2024 sent to the Village Panchayat, Calangute by the RTI Applicant Alex Fernandes over illegal procedure followed by the Panchayat in granting Construction Licence bearing Reference No. VPCAL/2024-2025/157 dated 12/04/2024 to Mrs. Rita Rodrigues.
- Failing to receive any reply/information from the PIO to his RTI application, Appellant filed first appeal dated 24/10/2024 before the First Appellate Authority.

3. Respondent PIO meanwhile vide letter dated 29/08/2024 replied to the Appellant as under :
"With reference to your RTI application dated 02/07/2024, the legal notice was placed before the Panchayat Body meeting and is sent for legal opinion".
4. First Appellate Authority (BDO-I, Bardez), vide order dated 24/10/2024 dismissed the appeal filed by the Appellant on the ground that RTI application is in question form and hence does not form a part of information as mentioned u/s 2(f) of the RTI Act, 2005. Appellant is directed to file fresh RTI application asking specific information.
5. Subsequently, Appellant preferred second appeal dated 26/11/2024 before the Commission praying for direction to the Respondent PIO to furnish correct information pertaining to the RTI application dated 02/07/2024, penal and disciplinary action against the Respondent PIO u/s 20(1) and 20(2) of the RTI Act, 2005 respectively.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the filing of the appeal, parties were notified fixing the matter for hearing on 13/03/2025 for which Appellant present but none present for Respondent PIO.
7. Subsequently, matter called out for hearing on multiple occasions.
8. During the hearing on 12/08/2025, Respondent PIO's lawyer Adv. Swati Verlekar submitted before the Presiding Commissioner that the Village Panchayat, Calangute is in the process of maintaining a separate record room for the files/records of the Panchayat and agreed to give an inspection of the records by the Appellant on a mutually agreeable date and time.
9. In the subsequent hearing held on 11/09/2025, Respondent PIO's lawyer submitted before the Presiding Commissioner that Respondent

PIO's office is in search of the concerned file and once it is traced the same will be communicated to the Appellant for physical inspection.

10. On 06/11/2025, Commission informed the Respondent PIO that next hearing slated for 21/11/2025 will be for final argument/order as adequate opportunity has been granted to Respondent PIO to furnish proper reply/information.
11. On 07/01/2026, Commission issued notice for the physical presence of the Respondent PIO for the hearing slated for 05/02/2026.
12. When the matter called out for order on 05/02/2026, Appellant and Respondent PIO present. Respondent PIO filed written submission dated 05/02/2026 with the documentary evidence of the status of the matter (referred by the Appellant in his legal notice) in the Hon'ble High Court of Bombay at Goa.
13. In the written submission, Respondent PIO stated that the matter referred by the Appellant in his legal notice to the Village Panchayat Calangute is pending before the Hon'ble High Court of Bombay at Goa in Writ Petition No. 594/2024 and the next date of hearing is fixed on 12/02/2026.

DECISION

- i. **Since the Respondent PIO has furnished sought information including action taken by the Village Panchayat Calangute on the Appellant's legal notice over issuing construction licence to Mrs. Rita Rodrigues (Ref. No. VPCAL/2024-2025/157 dated 12/04/2024) and the present status of the matter, which is pending before the Hon'ble High Court of Bombay at Goa, Commission decided to dispose the matter.**

ii. However, Commission has the opinion that the matter could have been settled much earlier at the PIO level itself by furnishing what action taken by the Village Panchayat Calangute in Appellant's legal notice after placing before the Panchayat Body meeting.

- 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