

GOA STATE INFORMATION COMMISSION
“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 265/2025/SCIC

Smt. Apolonia Salvador Fernandes,
 C/o. Joao Mascarenhas,
 Near New Fish Market,
 Chopdem, Pernem-Goa 403512.

-----Appellant

V/s

1.The Public Information Officer,
 Village Panchayat Morjim,
 Pernem Goa 403512.

2.The First Appellate Authority,
 Block Development Officer,
 Pernem-Goa 403512.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	11/07/2025
PIO replied on	NIL
First Appeal filed on	13/08/2025
First Appellate order on	26/09/2025
Second appeal received on	27/10/2025
First hearing held on	24/11/2025
Decided on	24/11/2025

Information sought and background of the Appeal

1. Smt. Apolonia Salvador Fernandes filed an application dated 11/07/2025 under RTI to the PIO, Village Panchayat Morjim seeking following information in connection with the complaint filed by Smt. Apolonia Salvador Fernandes against Mr. Domingo Antonio Fernandes and Mrs. Maria Do Carmo Soccorina Soarses in Survey No.46/0 of Village Morjim, Goa on 30/04/2025.

- i. *“Kindly furnish inspection report on inspection conducted on 20/06/2025.*
- ii. *Whether reply filed by the Mr. Domingo S. Antonio Fernandes.*

- iii. *Whether Demolition order is issued against Mr. Domingos Antonio Fernandes.*
- iv. *Whether any documents have been furnished by Mr. Domingos Fernandes".*

2. Failing to receive any reply/information from the PIO. V.P. Morjim to her RTI application, Appellant filed first appeal dated 13/08/2025 before the First Appellate Authority stating that the Respondent failed to provide information sought vide application dated 11/07/2025 and prayed that Respondent PIO be directed to provide information sought by the Appellant. Meanwhile Respondent PIO furnished inspection report and inspection attendance sheet to the Appellant.

3. Subsequently Appellant submitted before the FAA that the PIO has only furnished a copy of the inspection report of the illegal construction and PIO failed to provide specific and categorical information to the rest of the points.

4. Thereafter, Respondent PIO filed reply to the RTI application before the FAA as under :

<i>"Point No. 1</i>	<i>Information was provided.</i>
<i>Point No. 2</i>	<i>Since the Panchayat has not received any reply from the Respondents of the Complaint filed by the Appellant, reply is NIL.</i>
<i>Point No. 3</i>	<i>Since the Panchayat was not issued any demolition order to the Respondents reply is NIL.</i>
<i>Point No. 4</i>	<i>NIL as Panchayat has not issued any demolition order to the Respondents, to the complaint filed by the Appellant."</i>

5. FAA vide order dated 26/09/2025 disposed the first appeal on the ground that "*the requisite information sought by the Appellant under RTI application dated 11/07/2025 is provided by the Respondent free of cost to the Appellant. Thus the appeal hereby stands disposed".*

6. Subsequently Appellant preferred Second appeal dated 27/10/2025 before the Commission praying to set aside the order passed by the FAA on 26/09/2025 and direct the Respondent PIO to furnish complete, specific and point-wise information as sought vide RTI application dated 11/07/2025.

FACTS EMERGING IN COURSE OF HEARING

7. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 24/11/2025 for which Respondent PIO present and Adv. Omkar Govekar present for the Appellant.

Perusal of RTI application revealed that barring Query No.01, rest of the points are in questionnaire form. However, Respondent PIO furnished information supported by documents to the Point No.1 and NIL to those RTI queries which are in questionnaire form as V.P. Morjim has neither received any reply from the Respondents to the Appellant's complaint as no show cause or demolition notice is issued to the said Respondents.

During the course of hearing, Respondent PIO submitted that based on the complaint received from the Appellant about the alleged illegal construction, Panchayat authorities carried out an inspection and as sought by the Appellant, copy of the inspection report was furnished to the Appellant. Information to the rest of the points is 'NIL' because the Village Panchayat Morjim has not issued any show cause notice or demolition notice to the Respondents as the Village Panchayat Morjim could not conduct joint hearing of Complainant and Respondents on two occasions as the complaint did not turn up for joint hearing. Respondent PIO submitted that joint hearing is mandatory to proceed further in the matter and to initiate subsequent action like issue of show cause notice and demolition notice.

8. Commission intervened at this juncture and reminded the Appellant's representative that if the Appellant wish to go ahead with her complaint, she or her authorised representative has to attend the

joint hearing to be conducted by the Village Panchayat Morjim to go ahead with ant action in the complaint.

DECISION

- i. **Based on the above mentioned facts and circumstances, Commission directed the lawyer for the Appellant to file a fresh application within a week to the Village Panchayat authority to conduct a fresh joint hearing of the Complainant and the Respondents with the participation of the complainant in person or her authorised representative.**
- ii. **Commission directed the Respondent PIO to conduct joint hearing on receipt of the application from the Complainant (Appellant in the present appeal).**
- iii. **If the Complainant or her authorised representative does not want to physically attend the joint hearing to be organised by the V.P. Morjim, then Complainant should give in writing authorising the V.P Morjim to proceed in the complaint and V.P. Morjim can accept such authorisation and Complainant is bound to accept the decision of the V.P. Morjim in such hearing.**

With the above direction, proceedings in the present appeal stand closed and matter disposed off.

- 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

