GOA STATE INFORMATION COMMISSION

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Appeal No. 267/2025/SCIC

Kalpesh Shivram Chari,
H. No.1228/A, Banderwada,
Bicholim-Goa 403504. -----Appellant

V/s

The Public Information Officer,
Mr. Shivprasad Murari,
Town and Country Planning Department,
Bicholim, Goa 403504. -----Respondent

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

Relevant Facts Emerging from the Appeal

RTI application filed on	07/04/2025
PIO replied on	29/04/2025
First Appeal filed on	22/05/2025
First Appellate order on	03/07/2025
Second appeal received on	**06/10/2025**
First hearing held on	**20/11/2025**
Decided on	**20/11/2025**

Information sought and background of the Appeal

1. Shri Kalpesh Shivram Chari filed an application dated 07/04/2025 under RTI Act, 2005 to the PIO, Town and Country Planning Department (TCP Department), Bicholim seeking information at 19 points in connection with a license issued on November 19, 2024 despite raising objection.

2. In response to the RTI application, PIO (Dy. Town Planner, Bicholim) vide letter dated 29/04/2025 replied to the Appellant as under :

"The information sought by you cannot be furnished. As per RTI Act, PIO is not supposed to create the information or give comments to the queries/questions as sought by you in your application. PIO is not supposed to answer, why a particular decision was not taken by the public authority".

3. Being aggrieved by the reply received from the PIO, Appellant filed first appeal dated 22/05/2025 before the First Appellate Authority requesting to direct the Respondent PIO to furnish complete and correct information with all supporting documents as requested in the RTI application dated 17/04/2025.

4. FAA (Senior Town Planner/North) vide order dated 03/07/2025 directed the Appellant to visit the office of the Respondent PIO at 4.30 p.m. on 25/06/2025 to inspect the concerned file/documents, which was agreed by the Appellant and directed the Respondent PIO to provide documents selected after the inspection by the Appellant, free of cost.

5. Subsequently, Appellant filed an application dated 18/08/2025 to the FAA bringing his attention to the non-compliance of FAA's order dated 03/07/2025 by the Respondent PIO and accordingly FAA vide letter dated 06/10/2025 directed the Respondent PIO to furnish necessary information as per the order passed by the FAA.

6. Appellant then preferred Second appeal dated 29/10/2025 before the Commission stating that the Respondent PIO failed to provide the requested information and subsequently ignored the order passed by the FAA, which shows disrespect to the Appellate Authority and amounts to misuse of power. Appellant prayed for direction to the Respondent PIO to immediately furnish sought information and to initiate penal as well as disciplinary proceedings against the Respondent PIO.

FACTS EMERGING IN COURSE OF HEARING

7. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 20/11/2025 for which Appellant and Respondent PIO present.

Appellant submitted that initially no information was furnished to his RTI application by the Respondent PIO and subsequently despite FAA's

direction to allow inspection as well the information/documents after the inspection, Respondent PIO deliberately denied information.

Appellant further submitted that later he was allowed to inspect the records/files at the office of the PIO and during the course of the said inspection he had identified some documents and accordingly placed a request to the Respondent PIO to provide certified copies of such identified documents. However, Respondent PIO did not furnish the sought document/information deliberately forcing the Appellant to approach the Hon'ble Commission with Second appeal.

DECISION

After hearing both the parties to the present appeal, **Commission has come to the conclusion that the Respondent PIO has not furnished the sought information to the Appellant's original RTI application dated 17/04/2025 and also after the direction as well as reminder issued by the FAA, which is undoubtedly amounts to the disobedience towards Respondent PIO's superior authority Town Planner (N) as well as disrespect towards the RTI Act, 2005.**

Considering the aforesaid facts and circumstances, **Commission directed the Respondent PIO–**

i. **To comply with the order dated 03/07/2025 passed by the FAA followed by the reminder dated 06/10/2025 for immediate compliance of the said order.**

ii. **Commission further directed the Respondent PIO to allow the Appellant to conduct further physical inspection in order to identify the documents he had selected during the earlier inspection and to seek copies specific document in writing after the inspection.**

iii. **Since the Respondent PIO submitted that almost all of his staff members including the staff who handle the files pertaining to the RTI application of the Appellant are**

engaged with election related duties till the first week of December 2025, Commission allowed the Respondent PIO's request to arrange the inspection of files by the Appellant on 9th December 2025.

iv. Directed Respondent PIO to furnish the documents to be identified by the Appellant after the said inspection slated for9th December 2025 at 11.00 hours, free of cost, within 10 days from the said inspection.

v. RTI queries in the form of 'Questionnaire' need not to be attended/replied.

vi. Compliance report should reach the Commission by 17th December 2025.

- 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