

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 279/2024/SCIC**

Shri. Madan D. Kerekar,  
H. No. 871, Kerem Chodan,  
Tiswadi, Goa 403102. ---Appellant  
V/s

1.The Public Information Officer,  
Village Panchayat, Chodan Madel,  
Chodan Madel, Goa.  
2.First Appellate Authority,  
Block Development Officer,  
Tiswadi, Panaji-Goa. ----Respondents

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

**Relevant Facts Emerging from the Appeal**

<b>RTI application filed on</b>	- 16.09.2024
<b>PIO replied on</b>	- 02.11.2024
<b>First Appeal filed on</b>	- 05.11.2024
<b>First Appellate order on</b>	- 02.12.2024
<b>Second appeal received on</b>	- 24.12.2024
<b>Decision of the Second Appeal on</b>	- 04.06.2025

**Information sought and background of the Appeal**

1. Shri. Madan Datta Kerekar filed an application dated 16/09/2024 under RTI Act, 2005 to the PIO, Village Panchayat Chodan Madel, Goa seeking following information :
  - i. *"Copy of stop orders complaints reports correspondence if any from Government Department in connection with Milestone Resort or Abhinav Sharma in Survey No.194/1-10, 12, 20,23, 195/1-30, 32, 196/1-26, 197/1-45 of Kerem, Chodan Tiswadi.*
  - ii. *Copy of resolution No.6(1) approved in meeting held on 01/08/2023 for proposed jetty for M/s. Milestone Resorts.*
  - iii. *Copy of construction licence for compound wall to Milestone Resorts at Kerem, Chodan.*
  - iv. *Entire file of market complex cum community hall under Deendayal Panchayat Infrastructure Development Scheme 2013."*

2. In response to the RTI application PIO, Village Panchayat Chodan Madel vide letter dated 02/11/2024 replied as under :

" <i>Point No.1</i>	<i>Information not available</i>
<i>Point No.2</i>	<i>Certified copies enclosed herewith.</i>
<i>Point No.3</i>	<i>Certified copies enclosed herewith.</i>
<i>Point No.4</i>	<i>Certified copies enclosed herewith".</i>

3. Aggrieved by the reply received from the PIO,Village Panchayat Chodan - Madelin respect of Point No.1 of the RTI application dated 16/09/2024, Appellant filed first appeal dated 05/11/2024 to the First Appellate Authority (Block Development Officer, Tiswadi) stating that with regard to the information sought at Point No.1 in the RTI application, Respondent PIO replied as "*information not available*" without providing any reasonable explanation or justification. Appellant requested the FAA to direct the PIO to provide complete and accurate information.

4. FAA (Block Development Officer, Tiswadi) vide order dated 02/12/2024 directed the Respondent PIO "*to make thorough search of the records/information as sought by the Appellant in the RTI application dated 16/09/2024 and furnish the information to the Appellant free of cost within 15 days from the receipt of this order.*"

5. Aggrieved by the non-compliance of the FAA's order dated 02/12/2024 by the Respondent PIO, Appellant preferred Second appeal dated 24/12/2024 before the Commission stating that the Respondents have acted in perverse and illegal manner by refusing to furnish the information sought and the Respondent No.1 has not cited the provision of the Act, based on which the request for information was denied/rejected.

6. Appellant prayed for issuing necessary direction to the Respondent No.1 to furnish the information immediately, recommend disciplinary action against both the Respondents, impose suitable penalty on Respondents

for acting against the spirit of the RTI Act and to grant suitable compensation for denial of information.

### **Facts Emerging in Course of Hearing**

7. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 17/04/2025, for which Appellant appeared in person and the Respondent PIO (Shri. Vithal Gauns, Secretary, Village Panchayat Chodan-Madel) appeared along with Adv. P. Karpe.

The Presiding Commissioner issued oral directions to the Respondent PIO to make further search for the documents/information sought by the Appellant. Respondent PIO submitted that on receipt of the RTI application of the Appellant and following the order passed by the FAA, he had undertaken necessary search in the office records and particularly in the record room to trace the documents based on which Appellant sought information. However, all efforts to trace the said documents found futile.

8. As the Respondent PIO reiterated that he could not trace the records referred by the Appellant in the RTI application and therefore he could not provide information to the Appellant. Respondent PIO further submitted that he had furnished information in respect of the remaining RTI queries (Point No.2-4) of the applicant. Since the Respondent PIO is not in possession of the information sought by the Appellant at Point No.1 of the RTI application dated 16/09/2024, Presiding Commissioner directed the Respondent PIO to file an 'Affidavit' to that effect on the next date of hearing slated for 04/06/2025.

9. When the matter called out for further hearing on 04/06/2025, Respondent PIO filed reply in an affidavit stating that :
  - i. *With respect to Point No.2, 3 and 4 in the RTI application information/documents available with the office of the Village Panchayat Chodan-Madel has been furnished to the Appellant.*
  - ii. *With regard Point No.1, adequate search was made to trace the documents sought by the Appellant but till date could not find.*

iii. *Complying with the oral direction of the Hon'ble Commission, fresh search was made for the documents/information pertaining to Point No.1 of the RTI application but could not find/trace the said documents.*

10. Subsequently, arguments were placed by the Appellant as well as the Respondent PIO and his lawyer, Adv. P.R. Karpe. Arguments were held on filing Police Complaint to Register an FIR into the missing of documents/files pertaining to the information sought at Point No.1 and the scope for reconstruction of the file based on the documents to be provided by the Appellant to the Respondent PIO.

### **DECISION**

**Based on the arguments made by the parties to the present appeal, Commission has decided to dispose off the matter with the following directions to the Respondent PIO(Secretary, Village Panchayat of Chodan, Tiswadi Taluka, North Goa)**

- i. Reconstruct the file referred in the RTI application within one month from the date of submission of the relevant documents to the Respondent PIO by the Appellant, who claims to be in possession of few documents pertaining to the said file.**
- ii. File police complaint to the concerned police station, within 15 days from the date of reconstruction of the file, requesting to register an FIR into the missing documents pertaining to Appellant's RTI application dated 16/09/2024. Accordingly, furnish a copy of the police complaint to the Appellant and file compliance report to the Commission.**

*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/-**

**(ARAVINDKUMAR H. NAIR)**  
State Chief Information Commissioner, GSIC

