

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No.97/2025/SCIC**

Shri. Nihar Milind Barve,  
3/S-3, Kamat Complex I,  
Tonca, Caranzalem,  
Tiswadi-Goa 403002.  
V/s  
-----Appellant

1.The Public Information Officer,  
Ponda Municipal Council,  
Ponda-Goa.  
2.The First Appellate Authority,  
Ponda Municipal Council,  
Ponda-Goa.  
-----Respondents

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

**Relevant facts Emerging from the Appeal**

RTI application filed on	30/12/2024
PIO replied on	Nil
First Appeal filed on	17/02/2025
First Appellate order on	Nil
<b>Second Appeal received on</b>	<b>16/04/2025</b>
<b>First Hearing held on</b>	<b>12/06/2025</b>
<b>Decided on</b>	<b>01/07/2025</b>

**Information sought and background of the Appeal**

- Shri. Nihar Milind Barve filed an RTI application dated 30/12/2024 online to the PIO, Ponda Municipal Council (PMC) seeking "*copy of the complete file pertaining to the complaint filed by late Gajanan K. Kelkar at Ponda Municipal Council regarding illegal encroachment and construction at his residential property/land at Shantinagar, Ponda bearing Survey No.155/4 by an outsider, subsequent hearings on this matter, records of hearing, any survey or inspection conducted findings if investigation etc*".
- Failing to receive any reply/information from the PIO to the RTI application, Appellant filed first appeal dated 17/02/2025 before the First Appellate Authority.

3. Being aggrieved by no action on his first appeal by the First Appellate Authority, Appellant preferred Second appeal dated 16/04/2025 before the Commission stating that the Respondent PIO did not respond to his RTI application dated 30/12/2024 within the 30 days period mandated by the RTI Act, 2005 and the FAA also failed to act on the first appeal dated 17/02/2025.

Appellant prayed for necessary order directing the Respondent PIO to furnish complete information, impose maximum penalty of Rs.25,000 as Respondent PIO for failing to provide information without reasonable cause, initiate disciplinary proceedings against the PIO and FAA of Ponda Municipal Council for deliberate non-compliance with the RTI Act, direct the Ponda Municipal Council to pay compensation of Rs. 25,000 u/s. 19 (8) (b) of the RTI Act and award Rs.25,000 as cost towards legal consultation, drafting as well as follow ups related to the present RTI matter.

#### **FACTS EMERGING IN COURSE OF HEARING**

4. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 12/06/2025 for which Appellant, appeared along with his lawyer but none present for Respondent. Appellant submitted the lack of response from the Respondent PIO as well as the FAA towards his RTI application and first appeal filed by online.

After conclusion of the proceeding of the day in the present appeal, Respondent PIO appeared in person and filed a letter dated 12/06/2025 addressed to the Appellant requesting him to collect the information sought vide online RTI application dated 30/12/2024.

5. When Presiding Commissioner inquired about the non-response to the RTI application dated 30/12/2024 of the Appellant until the notice received from the Commission to appear before it in connection with the present appeal filed by the Appellant, Respondent PIO submitted that he and his supporting staff were not well versed with the submission of RTI application online. Hence the submission of the application dated

30/12/2024 by the Appellant has not come to notice of the PIO. When it has been perceived after filing the second appeal, the public authority made the system of online RTI submission operational. Respondent PIO admitted it as a lapse on their part and stated that such lapse is rectified by operationalising the acceptance of online RTI applications. Matter fixed for further hearing on 01/07/2025.

6. On 13/06/2025, Appellant filed a written submission stating that :

- i. *On the very day of the first hearing (12/06/2025) Respondent PIO sent a letter informally via Whatsapp through one of his staff members to collect the long delayed documents from the office of the PIO.*
- ii. *Respondent PIO could have very well submitted the said documents during the hearing held before the Commission on 12/06/2025.*
- iii. *Take serious note of the PIO's unauthorised absence during the hearing held on 12/06/2025.*
- iv. *Ensure that any information/document pertaining to the RTI request is submitted to the Commission and not to the Appellant directly.*
- v. *Initiate disciplinary action besides imposing penalty on PIO u/s. 20 of the RTI Act, 2005 for wilful default, negligence and disregard to the legal process.*

7. When the matter took up for further hearing on 01/07/2025, Appellant and the Respondent PIO appeared in person. Respondent PIO filed sought information including documents and files and the same handed over to the Appellant before the Commission. Appellant duly acknowledged the same stating that "*3 set of documents and 3 files are received on 01/07/2025*".

Respondent PIO submitted before the Commission that neither he nor other officials of the public authority (Ponda Municipal Council) was aware of the online system in place to receive RTI application and first appeals and when he has come to know about online provision he had approached the officials of Department of Information & Publicity to get more details about the system and to obtain password to make the online system operational.

### **COMMISSION'S OBSERVATIONS**

**Commission has the view that ignorance of the day to day development pertaining to the functioning of RTI mechanism is not a valid ground to save their skin from the penal/disciplinary action against the PIO or the First Appellate Authority in this matter. It is a clear example of the lethargic approach of the public authority in the present appeal (Ponda Municipal Council) in the effective implementation of the RTI Act, 2005.**

8. It appears that the Respondent PIO has come to know about the RTI application dated 30/12/2024 filed online by the Appellant only when the Appellant has approached the Commission with Second appeal dated 16/04/2025.
9. As far as the information part of the RTI application dated 30/12/2024 is concerned, the Respondent PIO has furnished sought information to the Appellant before the Commission on 01/07/2025 but the Respondent PIO could have avert this much delay and bringing the matter before the Commission by addressing the issue at PIO level itself.

### **DECISION**

- i. Since ignorance (of online facility to apply RTI application by the citizens and to receive information) by the responsible officers of Ponda Municipal Council cannot be considered as a reasonable ground for delay in attending the RTI appeal filed by the Appellant and furnishing information, **Commission directed the Respondent PIO to show cause "as to why maximum penalty should not be imposed u/s 20(1) of the RTI Act, 2005 for failing to ensure the online mechanism of RTI is operational and to attend/address the online RTI application filed by the Appellant".**

***Reply to the Show Cause should reach the Commission within 15 days from the receipt of this order.***

- ii. **Similarly, First Appellate Authority (Chief Officer, Ponda Municipal Council) also hereby directed to show cause "*as to why disciplinary proceedings should not be recommended against you for failure to attend/decide the first appeal filed by the Appellant and failure to discharge your duties and obligations vested under Section 19(6) of RTI Act, 2005*".**

**The FAA, also has the responsibility to ensure that the online mechanism of the RTI system is existing and operational in his public authority for the larger benefit of the citizens.**

***Reply to the Show Cause should reach the Commission within 15 days from the receipt of the order.***

- iii. Commission could not find any sufficient merit to consider Appellant's prayer for granting compensation of Rs. 25,000/- by Ponda Municipal Council and Rs. 25,000/- as cost of the RTI application related matters including the drafting of the present appeal.

- Appeal disposed.
- 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

