

**GOA STATE INFORMATION COMMISSION**  
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**Shri. Atmaram R. Barve**

State Information Commissioner

**Appeal No. 298/2023/SIC**

Neville Brian Ambrose Quadros,  
E-403, E-Block, Edcon Pinto Rio Grande,  
4<sup>th</sup> Floor, Behind Chowgule Showroom,  
Campal, Panaji-Goa 403001.

V/s

1. The Public Information Officer (PIO),  
North Goa Planning and Development Authority,  
Archdiocese Building, 1<sup>st</sup> floor, Mala Link Road,  
Mala, Panjim-Goa 403001
  2. The First Appellate Authority,  
North Goa Planning and Development Authority,  
Archdiocese Building, 1<sup>st</sup> floor, Mala Link Road,  
Mala, Panjim-Goa
- ..... Respondents

**Filed on: 29/08/2023**

**Disposed on: 21/01/2025**

**ORDER**

1. This second appeal arises out of the Right to Information (RTI) application dated 01/08/2022 made by Shri. Nevil Quadros, the Appellant herein.
2. In response to the said application the Assistant Public Information Officer (APIO) Smt. Babita Chopdekar of North Goa Planning and Development Authority issued a response to the Appellant herein that the information sought by him is not readily available and that once the file is traced out necessary information will be furnished.

3. Upon receipt of this reply the Appellant herein preferred the first Appeal before the competent authority on 14/09/2022.
4. After passage of nearly 70 days the First Appellate Authority (FAA) issued notice to the party i.e. on 25/11/2022 and hearing was conducted on 30/11/ 2022.
5. It is contended by the Appellant that the First Appellate Authority (FAA) orally directed the PIO to furnish the necessary information to the Appellant on 18<sup>th</sup> January, 2023.
6. Thereafter on account of no response from the PIO the Appellant issued a letter of reminder dated 8/05/2023 to the First Appellate Authority (FAA).
7. Thereafter vide letter dated 21/06/2023 the PIO Shri. Vikram Tengse furnished the information to the Appellant in citing the directions of the First Appellate Authority dated 18<sup>th</sup> January, 2023.
8. After nearly 45 days from the said communication the Appellant herein communicated to the PIO

that the survey report as sought by him in his RTI application has not been furnished so far.

9. Thereafter, the Appellant herein preferred the second Appeal dated 28/08/2023 notice was issued on 29/09/2023 and the matter was taken up from 17/10/2023 onwards.

10. The Respondent PIO furnished the reply to the Appeal memo on 08<sup>th</sup> January, 2024 wherein the Respondent PIO cited various reasons for non issuance of information and also brought on record the letter dated 07<sup>th</sup> September, 2023 wherein the Appellant herein was informed that the documents requested by the Appellant are not traceable in the concerned file.

11. However, a copy of the file noting sheet containing the particulars of the site inspection report were also annexed and duly furnished to the Appellant herein.

12. The Appellant filed rejoinder dated 12<sup>th</sup> February, 2024 in response to the reply filed by the PIO.

13. Thereafter, on account of former Commissioner demitting Office the proceedings in

this matter resumed from 23<sup>rd</sup> September, 2024 onwards.

14. The Appellant filed his written arguments on 10<sup>th</sup> January, 2025 and thereafter on the present day of hearing the matter was extensively argued and proceedings completed in this matter.

15. In view of the Appeal memo as well as other material brought on record by both the parties, this Commission is of the considered opinion as under:-

a) The approach and conduct of the Public Information Officer and/or the Assistant Public Information Officer in this matter is questionable.

b) The Public Information Officer (PIO) /Assistant Public Information Officer (APIO) ought to have made any visible efforts to suggest that there was an attempt to provide information to the seeker. Moreover, the APIO in the first response to the Appellant herein has not even suggested a definite time limit within

which such information could be provided.

c) By way of such actions the APIO has neither furnished nor denied information, thereby causing prejudice to the right of the information seeker.

d) The conduct of proceedings by the First Appellate Authority (FAA) are also inconsistent with the letter and spirit of the Right to Information Act and it is noteworthy that the First Appellate Authority has not even made an effort to pass any express order.

e) The conduct of PIO in terms of furnishing the information after nearly five months from the date of oral directions of the First Appellate Authority also raises doubts about the intent and such an action reeks off complete disregards towards the RTI Act as well as authorities constituted there under.

f) There also appears to be negligence on the part of the Appellant herein in so far as not availing the remedy of preferring a second appeal or filing a complaint within a reasonable time is concerned.

g) In so far as the insufficiency highlighted by the Appellant is concerned, the Respondent appears to have made an effort to furnish the information and that the PIO cannot be compelled to create any information beyond whatever, is in his/her reasonable possession in terms of section 2(f) of the Right to Information Act.

h) Prima facie, this second appeal appears to be filed beyond the stipulated time period, however, the Respondents have also not preferred to challenge this aspect.

16. Therefore, in the light of the above it is observed that:-

- a) The PIO as well as the APIO herein have failed to discharge their duties in terms of section 7(1) of the RTI Act, 2005.
- b) The Appellant, also ought to have exhausted remedies at his disposal under the Right to Information Act.
- c) The First Appellate Authority has failed to adjudicate this matter in the right manner and spirit.

17. The present Appeal is partly allowed with the following orders:-

- a) The PIO Shri. Vikram Tengse is directed to provide a physical inspection of the concerned file to the Appellant herein and provide certified true copies of any such documents that may be highlighted by the Appellant in so far as his Right to Information application dated 1<sup>st</sup> August, 2022 is concerned on or before 5/02/2025 during office hours.

- b) Registry to issue showcause notice to the PIO and require his physical presence alongwith the reply to the said showcause notice and compliance report of the orders above on 25<sup>th</sup> February, 2025 at 11.00 a.m.
- c) The Secretary-Department of Town and Country Planning, Govt. of Goa shall ensure that express directions are issued to the Public Information Officers as well as First Appellate Authorities within their ambit to adhere to the responsibilities entrusted under the Right to Information Act.
- d) The delays on the part of Appellant as well as the Respondents are specific to this matter and shall in no way set a precedent.
- e) Registry to ensure that Authenticated copies are issued to all the concerned parties mentioned herein free of cost.



f) Registry to initiate disciplinary and penalty proceedings against the PIO incase of failure to comply with the orders above.

g) No order as to cost.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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/-

**(Atmaram R. Barve)**

State Information Commissioner