

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 116/2025/SIC**

Dharamdas L. Pusekar,  
R/o. H.No. 675/C (8),  
New Vaddem, Vasco-da-Gama,  
Goa 403802.

**..... Appellant**

V/s

1.Public Information Officer,  
Village Panchayat Chimbhel,  
Tiswadi Taluka, Goa.

2.First Appellate Authority,  
Block Development Officer,  
Tiswadi Taluka, Panaji-Goa.

**.....Respondents**

**Shri. Atmaram R. Barve**

State Information Commissioner

**Filed on: 05/06/2025**  
**Disposed on: 10/09/2025**

**ORDER**

1. The present second appeal arises out of the Right to Information (RTI) application dated 24/01/2025 made by the Appellant herein Shri. Dharamdas L. Pusekar and addressed to the Public Information Officer (PIO) at Village Panchayat Chimbhel, Tiswadi Taluka.
2. The PIO, Shri. Hanumant Borkar vide reply dated 11/02/2025 informed the Appellant herein that information sought by him is not available in the records of village panchayat.
3. Aggrieved by this reply, the Appellant herein preferred first appeal before appropriate authority vide appeal memo dated 13/03/2025.

4. The First Appellate Authority (FAA) vide Order dated 16/04/2025 directed the PIO to search documents/ records and allow Appellant to inspect concerned records whatever is available and existing.
5. Vide reply dated 02/05/2025, the said PIO informed the Appellant herein reiterating that said inspection as per the directions of the FAA was held on 22/04/2025 and that whatever records available and existing were made available for the inspection.
6. Aggrieved by response, the Appellant herein preferred second appeal before this Commission vide appeal memo dated 05/06/2025. Notices were issued and the matter came up to be heard from 23/07/2025 onwards.
7. It has been the contention of the Appellant herein that, a reply to the letter referred by him in his RTI application ought to have been issued by the said village panchayat and that the same has not been carried out.
8. It is contended by the PIO that, certain records pertaining to villages Panelim and Sao Pedro for the period from 1962 to 1971 are not available in records of the village panchayat Chimbél and as such whatever records available have been inspected and the records sought by the Appellant herein is not available in the records of village panchayat Chimbél.
9. Upon perusal of the appeal memo and material on record, this Commission is of considered opinion as under:-
  - a. Whether Public Authority issues any response within reasonable time or not in matters other than those covered under RTI Act are beyond the scope of judgement for this authority.

- b. This Commission has to ascertain whether the Public Authority has acted in consonance with letter and spirit of the RTI Act.
  - c. It is evident from perusal of RTI application made by the Appellant herein that, he expected that the said Public Authority would have issued a response to the letter referred by him in his RTI application.
  - d. However, such assumption cannot become basis to put the onus upon the Public Authority and it is clear that Public Authority is supposed to provide copies of whatever records are available or accessible to said authority.
  - e. Barely going by the RTI application, the Public Authority in this case would have to necessarily create the documentary record which is beyond the ambit of Section 2(f) of the RTI Act.
  - f. The FAA appeared to have overlooked this aspect of the said RTI application while deciding the first appeal.
  - g. However, it has to be also noted by the Public Authority/ PIO that whenever they conduct any inspection of records or documents alongwith the information seeker, they ought to record the minutes of such procedure so that no ambiguity is left in the mind of the information seeker.
10. Therefore, in view of above the second appeal is disposed off with following order:-
- a. The present second appeal is rejected, and Order of FAA is set aside.
  - b. No order as to cost.

- Parties to be provided authenticated copies of the order.
- 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