

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 264/2024/SIC

Vishal Gajanan Naik,
H. No. 128/1, Near SBI,
Sanvorfond, Sancoale, Cortalim,
Goa-403710,
Mob. No. 8806856601

...Appellant

V/s

1. Public Information Officer (PIO),
Civil Registrar cum Sub Registrar (HQ),
7th floor, Shramashakti Bhavan,
Patto, Panaji-Goa
2. Adv. Vinayak K. Narvekar,
Advocate and Notary,
Above Neurekar Photo Studio,
Near Hotel Anandashrama, Near Head Post Office, Rua
31 de Janeiro, Panaji-Goa
3. First Appellate Authority (FAA),
State Registrar-cum-Head of Notary Services,
Goa, 7th floor, Shramashakti Bhavan,
Patto, Panaji-Goa

...Respondents

Filed on: 02/12/2024
Decided on: 03/03/2025

ORDER

1. The present second appeal arises out of the Right To Information (RTI) application dated 13/10/2023 filed by Advocate Vishal Gajanan Naik the Appellant herein and addressed to the Public Information Office (PIO) at the State Registrar Cum Head of Notary Services of Government of Goa, Panaji-Goa.

2. Vide the said application the Appellant herein sought the inspection of the Notarial Register as well as certified copies of the Notarial Register and Register of fees and charges realized pertaining to the affidavit mentioned in the said application.
3. The Public Information Officer (PIO), Smt. Maria Aquila Araujo e Fernandes transferred the Appellant's RTI application on 20/10/2023 to Advocate Vinayak K. Narvekar an Advocate and Notary.
4. Citing the grounds of non disclosure of information on the part of the PIO, the Appellant herein preferred the First appeal before the appropriate authority on 20/12/2023.
5. Vide order dated 28/08/2024 the First Appellate Authority (FAA) dismissed the first Appeal filed by the Appellant herein.
6. Thereafter aggrieved by the order of the FAA the Appellant herein preferred the second Appeal on 02/12/2024 after which notices were issued on 16/01/2025 and matter was argued by the Appellant and Respondent No. 2, Advocate Vinayak Narvekar.
7. In his second appeal the Appellant herein sought directions to be issued against Respondent No. 1, 2 and 3 respectively to provide him necessary

information and also to impose penalty for non disclosure of information.

8. Upon perusal of the appeal memo, this Commission is of the considered opinion as under:-

- a. The fundamental issue is that whether the notary can be controlled to be covered under the definition of Public Authority under the Right To Information Act (RTI) and there is no material on record to suggest in the affirmative.
- b. The Public Information Officer (PIO) ought to have responded in the limited context of the information available in her custody or at her disposal and has unnecessarily brought the notary into the picture who is otherwise not a public authority and as such the transfer of application under section 6(3) of RTI Act appears to be an unnecessary exercise.
- c. Unless the core issue of whether notary public should be considered as the public authority or not is decided by the competent courts or by the appropriate Government, such disclosures in respect of RTI applications might lead to infringement of rights and privacy of third parties.

9. Therefore in view of the above the present second appeal is dismissed.

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

