

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
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Appeal No. 42/2025/SIC

Shri. Hemant Kamat,
668, SBI Empl Co-op Housing Society,
B.B. Borkar Road,
Alto-Torda, Porvorim,
Goa 403521.

.....Appellant

V/S

1. The Public Information Officer,
Town and Country Planning,
2nd Floor, Dempo Tower,
Patto Plaza, Panaji-Goa.

2. The First Appellate Authority,
Ms. Vertika Dagur,
Town and Country Planning,
2nd Floor, Dempo Tower,
Patto Plaza, Panaji-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 23/01/2025

Decided on: 19/08/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application made by the Appellant, Shri. Hemant Kamat vide e-filing dated 01/11/2024 and addressed to the Public Information Officer (PIO) at Town and Country Planning Department, Government of Goa.
2. As per the appeal memo submitted by the Appellant herein, there has been no response within stipulated time period of 30 days by the PIO.

3. Thereafter vide e-filing dated 01/12/2024, the Appellant herein preferred first appeal before the First Appellate Authority (FAA) of the said department.
4. Thereafter, citing the grounds of no response from the FAA within 45 days from the filing of the first appeal, the Appellant herein preferred second appeal dated 23/01/2025 before this Commission.
5. Notices were issued and matter came up to be heard from 12/05/2025 onwards.
6. On first date of hearing, due to absence of the PIO, this Commission directed the PIO to file reply to the appeal memo on or before 30/05/2025 vide notice dated 13/05/2025. On second hearing dated 06/06/2025 inspite of notice dated 13/05/2025, the PIO remained absent and also did not file reply to the appeal memo therefore, show cause notice dated 09/06/2025 was issued to the PIO seeking reply on or before 30/06/2025 and matter was kept for arguments on 08/07/2025.
7. Thereafter, on 08/07/2025 again the matter was called out and the PIO failed to remain present for 3 consecutive time and has also not filed any reply to the show cause notice
8. The overall conduct of the PIO as well as the FAA of the Town and Country Planning Department, Govt. of Goa has been highly objectionable and that of disregard towards the letter and spirit of the RTI Act.
9. The action of issuing no response on the part of the PIO and not taking up of the first appeal by the FAA, have both caused severe prejudice to the right of the information seeker and has clearly established denial of information.

10. Section 20 of the RTI Act provides that before imposing any penalty, the Information Commission shall give a reasonable opportunity to the PIO to be heard and also provide further that the burden of proving that the PIO acted reasonably and diligently is on him/her.
11. By way of no response; the PIO, Shri. Prakash Bandodkar has caused gross denial of information.
12. Therefore, in light of above, present second appeal is disposed off with following order:-
 - a. The present second appeal is upheld.
 - b. The Government of Goa through Secretary, Town and Country Planning Department is directed to issue written orders to the concerned PIO, Shri. Prakash Bandodkar on or before 19/09/2025 directing the same to furnish the relevant information to the Appellant herein and to submit compliance report on the same by remaining present in person on 22/09/2025 at 11.00 am; before this Commission.
 - c. The Government of Goa through its Secretary, Town and Country Planning Department is also directed to recover penalty of Rs. 25,000/- (Rupees Twenty-Five Thousand only) from Shri. Prakash Bandodkar in terms of Section 20(1) of the RTI Act from the said concerned PIO on or before 19/09/2025 and submit compliance report of the same before this Commission on 22/09/2025.
 - d. The Secretary, Town and Country Planning Department, Govt. of Goa is also directed to initiate necessary disciplinary proceeding against the said PIO, Shri. Prakash

Bandodkar as well as the FAA, Smt. Vertika Dagur in terms of the Section 20(2) of the RTI Act for causing denial of information as well as for having exhausted the remedy of being heard before this Commission by way of abstinence.

e. Registry to intimate the Secretary, Town and Country Planning Department, Govt. of Goa accordingly and serve authenticated copies of this order for necessary action.

f. **Matter to be heard on 22/09/2025 at 11.00 am.**

- 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