

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

State Information Commissioner

**Appeal No. 436/2023/SIC**

Mr. Jawaharlal T. Shetye,  
H.No. 35/A, Ward No. 11,  
Khorlim, Mapusa-Goa 403507.

.....Appellant

V/S

1.The Public Information Officer (PIO),  
Secretary,  
Village Panchayat of Assagao,  
Assagao, Bardez-Goa 403508.

2.The First Appellate Authority (FAA),  
Block Development Officer-I,  
Mapusa, Bardez-Goa 403507

.....Respondents

**Filed on : 06/12/2023**

**Disposed on: 28/01/2025**

**O R D E R**

1. The present Second Appeal arises out of the application under Right to Information Act (RTI), dated 20/07/2023 filed by Shri. Jawaharlal T. Shetye.
2. In the said application, the Appellant herein had sought information pertaining to the lawyer representing the Public Information Officer (PIO) of Village Panchayat Assagao, Shri. Rajesh Asolkar.
3. Vide reply dated 19/08/2023 the said Public Information Officer (PIO) communicated to the Appellant herein that the information asked by him does not come within the purview of the Right to Information Act and hence no information could be provided.

4. Thereafter, aggrieved by this response the Appellant herein preferred the First appeal dated 11/09/2023.
5. Citing the grounds that numerous opportunities were given to the Public Information Officer (PIO) and yet the PIO failed to file any reply, the First Appellate Authority (FAA) directed the PIO to furnish the requisite information within ten days from passing of the said order dated 05<sup>th</sup> October, 2023.
6. Thereafter the said Appellant preferred the second appeal dated 06<sup>th</sup> December, 2023 citing the grounds that requisite information has not been provided.
7. Notices were issued on 15<sup>th</sup> January, 2024 and matter was heard from 25<sup>th</sup> January, 2024 onwards.
8. Thereafter, on account of the former Commissioner demitting office the proceedings resumed from 8<sup>th</sup> October, 2024 onwards.
9. It was observed that no reply has been filed by the Respondent PIO and as such a showcase notice dated: 08<sup>th</sup> October, 2024 was issued.
10. Vide reply dated 17/10/2024 to the show cause notice the Respondent highlighted the grounds on which the present appeal ought to have been dismissed.
11. Thereafter vide reply to the Appeal memo filed on 10<sup>th</sup> December, 2021 the Respondent gave a detailed

reply stating that the Advocate appointed by the PIO in his private capacity does not come under the purview of the Right to Information Act and as such the said PIO is not liable to furnish any information to that effect.

12. It is also pertinent to note that in pursuance to the directions of the First Appellate Authority (FAA) the PIO vide letter dated 5<sup>th</sup> October, 2023 communicated to the Appellant herein by Registered A.D. that the information sought by him is not available in the Panchayat Records.

13. Upon perusal of the Appeal memo replies and other material brought on record this Commission is of the opinion that :-

a) The Public Information Officer (PIO) Shri. Rajesh Asolkar has promptly informed the Appellant Shri. Jawaharlal Shetye as to why information sought by him could not be furnished.

b) However, at the stage of the first appeal the said Public Information Officer displayed complete disregard and negligence by way of non appearance as well as not filing any reply.

c) The conduct of the said PIO at the second Appeal stage is also questionable in so far as his act of not filing a reply for nearly ten months is concerned.

d) However, the conduct of the Appellant Shri. Jawaharlal Shetye is also equally questionable as he has failed to appear for four back to back hearings, he has failed to even collect the reply filed by the Respondent and has exhausted opportunities available towards redressal of his grievance through the means of this Commission.

e) It is mandatory that both parties must be given a fair chance of being heard. However, the parties are also expected to respond in a reasonable time frame and in no way can this privilege be stretched endlessly. In this instant matter both the parties have displayed inordinate delay as well as negligence towards their rights/responsibilities and have caused delay in deciding the same, which was absolutely avoidable.

14. Therefore, it is held that, the information sought by the Appellant herein cannot be considered as public records and as such is beyond the purview of the Right to Information Act, 2005.

15. The present second Appeal therefore stands dismissed.

16. No order is 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