

GOA STATE INFORMATION COMMISSION
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Appeal No. 48/2025/SIC

Mr. Edwin Herculano Peres,
H.No. 152, Non Mon Bandak,
Khariwada, Vasco-da-Gama,
403802.

..... Appellant

V/s

1.Mr. Kundan C. Gadekar,
Awal Karkun/ Public Information Officer,
O/o. Mamlatdar of Mormugao Taluka,
Vasco-da-Gama, Goa.

2.Mr. Pravinjay Pandit,
Mamlatdar & First Appellate Authority,
Mormugao Taluka, Vasco-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 24/02/2025
Disposed on: 12/08/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 27/08/2024 made by the Appellant, Mr. Edwin H. Peres and addressed to the Public Information Officer (PIO) at office of Mamlatdar of Mormugao Taluka.
2. The Appellant herein had sought the title / ownership documents of one of Cosmo Araujo pertaining to Order dated 08/02/1985 in Mundkar case No. JT/MUND/VAS/20/85 and the Appellant had also annexed the copy of the said order to RTI application.

3. In response to the said RTI application, the PIO (Awal Karkun) provided a reply dated 07/11/2024.
4. Aggrieved by this reply, the Appellant herein preferred first appeal dated 25/10/2024 on the grounds that, there has been delay on the part of the PIO in providing information and also that requisite information has been not provided by the PIO.
5. The First Appellate Authority (FAA) vide Order dated 02/12/2024 disposed off the first appeal on grounds that necessary information has been provided to the Appellant by the PIO.
6. Aggrieved by this order, the Appellant herein preferred second appeal before this Commission on 24/02/2025.
7. Notices were served and matter came up to be heard from 28/04/2025 onwards. The PIO as well as the FAA filed their response to appeal memo.
8. Both the parties put forth their arguments on the present day.
9. Upon perusal of appeal memo as well as the other materials on record, this Commission is of considered opinion as under:
 - a. There has been a delay of 41 days in providing the requisite information to the Appellant herein. However, the PIO has admitted this fact before the FAA as well as before this Commission and stated on record that the delay was on account of clerical error wherein the said response was sent to different person on different address and subsequently the said error was rectified.
 - b. There has been also gross error on part of the PIO in so far as interpretation of original RTI application is concerned. The Appellant herein has clearly sought the documents

pertaining to the opponent in the Mundkar case referred by him in his application. Whereas the reply of the PIO does not mention anything about opponents in the said matter.

- c. The FAA also has overlooked this very pertinent aspect and has disposed off the first appeal without considering the essence of this matter.
- d. In the normal course of proceeding in judicial authority, it is expected that both the parties would provide necessary documentary submissions. In the present context, the very fact that said Mundkar case was decided by the competent authority, the title documents of both the parties would have been verified without which it would not have been possible for the said authority to decide the matter and as such said documents ought to be part of said file.
- e. The PIO cannot escape on the grounds that, whatever information present in the file has been provided and rather it is the duty of the PIO to uphold the letter and spirit of RTI Act.
- f. Being custodian of information, the PIO is responsible for the information in his possession and if in his opinion certain information is lacking or missing from the file, then the said PIO also ought to seek recourse to maintaining that information or making efforts to trace the same or register an FIR pertaining to missing information or file as the case may be.
- g. The documents sought by the Appellant herein appear to be the essence of this matter referred by him in his RTI application and as such the PIO ought to revisit the RTI application.

10. Therefore, in view of above, the present second appeal is disposed off with following order:-

- a. The present second appeal is upheld.
- b. The relevant PIO, Shri. Kundan Gadekar has now been redesignated as APIO and the then FAA, Shri. Pravinjay Pandit is now redesignated as PIO by an Order issued by the Government. Hence both this parties are directed to reaccess the RTI application dated 25/08/2024 filed by the Appellant herein and provide proper and correct information to the Appellant herein on or before 18/09/2025.
- c. The present PIO is also directed to provide inspection of the concerned file to the Appellant herein before 18/09/2025 and to record minutes of proceeding pertaining to such inspection. The present PIO is also directed to trace the missing documents if any and if need be, register an FIR with the Police Station of competent jurisdiction pertaining to missing documents or file therein.
- d. Shri. Pravinjay Pandit and Shri. Kundan Gadekar are directed to file compliance report pertaining to the above mentioned directions and to remain present in person before this Commission on 23/09/2025 at 11.00 am alongwith reply to the show cause notice to be issued by the registry seeking clarification as to why penalty proceeding shall be not initiated against them under Section 20(1) of the RTI Act for non-compliance of the directions of this Commission; failing which necessary disciplinary action and penalty proceeding shall be initiated accordingly.

11. Pronounced in open on this day of 12th August, 2025.

- 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