

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in
website: www.gsic.goa.gov.in

Appeal No. 54/2025/SIC

Shri. Krishna Raghunath Pandit,
H.No. 884/11, Devashri Bhuvan,
Porvorim, Bardez-Goa.

..... Appellant

V/s

1.State Public Information Officer,
The Secretary,
Village Panchayat Arpora Nagoa,
Divan Bhati, Bardez-Goa.

2.The First Appellate Authority,
The Block Development Officer,
Office of the BDO, Bardez-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 18/02/2025
Disposed on: 09/10/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 16/10/2024 made by the Appellant, Shri. Krishna Raghunath Pandit and addressed to the Public Information Officer (PIO) at Village Panchayat Arpora Nagoa.
2. Citing the ground that the PIO has failed to provide reply within the prescribed time period of 30 days, the Appellant herein preferred first appeal before the competent authority vide appeal memo dated 27/11/2024.
3. The First Appellate Authority (FAA) vide its order dated 10/01/2025 disposed off the said first appeal without making it clear whether the appeal has been allowed or rejected.

4. Thereafter the Appellant herein preferred second appeal before this Commission vide appeal memo dated 18/02/2025.
5. Notices were issued and matter came up to be heard from 02/06/2025 onwards,
6. Vide direction of this Commission dated 12/08/2025, the PIO, Shri. Raghuvir Bagkar was issued show cause notice on account of his absence as well as due to the act of not filing reply to the said appeal memo.
7. On the present of hearing, the PIO remained present and filed detailed reply to the show cause notice and also elaborated the details facts in the present matter.
8. Both the parties put forth their contentions.
9. It is contended by the Appellant herein that, the PIO has exceeded the prescribed time limit and has actually given reply to original RTI application during the course of proceeding before the FAA and that in the said reply the PIO has taken stand that information sought by the Appellant is not available.
10. The PIO voluntarily admitted that there is prima facie error on his part for having delay in furnishing information, however, he also stated that said information could not be created as the same was never available or accessible by him.
11. Upon perusal of appeal memo, other material on record as well as upon hearing contention of both the parties, this Commission is of the considered opinion as under:-
 - a. The definition of phrase "information" has been clearly spelt out in RTI and it has been time and again interpreted in courts of law. The PIO cannot be expected to create any

information which in normal course of procedure may not be in his/ her possession or to which he/she may not have access to.

b. The FAA's have been precisely constituted to analyse the actions/ inactions of part of the PIO and are expected to pass speaking orders so that no hardships are caused o Appellant / PIO as the case may be.

c. Furthermore, the Appellant herein has not been able to establish any fundamental ground on which it can even remotely be construed that the PIO has caused wilful denial of information.

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

a. The present second appeal stands dismissed.

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