

GOA STATE INFORMATION COMMISSION
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Appeal No. 68/2025/SIC

Dinesh Da Costa,
H.No. 214, Mazal Waddo,
Assagao, Bardez-Goa.
403507.

.....Appellant

V/S

Public Information Officer/ Secretary,
Village Panchayat of Assagao,
Bardez-Goa.

.....Respondent

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 13/03/2025

Decided on: 11/06/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 02/12/2024 made by the Appellant herein, Dinesh Da Costa and addressed to the Public Information Officer (PIO)/ Secretary Village Panchayat Assagao.
2. In response to the said RTI application, the PIO, Shri. Rajesh Asolkar provided a pointwise reply dated 27/12/2024. However, the said information was actually furnished to the Appellant herein on 10/02/2025 which is beyond stipulated time period of 30 days and when the Appellant had already filed the first appeal before the appropriate authority.
3. Vide Order dated 11/02/2025, the First Appellate Authority (FAA) had directed the said PIO to search relevant records available in the village panchayat and if any information was found, the same to be furnished to the Appellant via

Registered A.D. within the period of 10 days from the said order.

4. Aggrieved by the non-compliance of the said order, the Appellant herein preferred present second appeal on 13/03/2025.
5. Notices were issued and the matter came up to be heard from 30/04/2025 onwards.
6. Vide reply to appeal memo dated 30/05/2025, the Respondent PIO contended that, whatever information is available has already been furnished to the Appellant herein and that the role of the PIO is limited to furnishing information as its available in the records and that the PIO is neither obliged to generate or create any new information nor to justify absence of any documents not forming part of the record.
7. In response to aforementioned reply, the Appellant herein filed his submission on present day and contended that, the information sought by him was very specific in nature and that the said PIO is deliberately causing denial of information to the Appellant herein.
8. Both the parties put forth their oral arguments deliberating further on the matter.
9. Upon perusal of appeal memo as well as all the materials on records, this Commission is of considered opinion as under:-
 - a) The RTI application of the Appellant herein has been worded in a manner wherein the PIO has to interpret the inherent nature of information sought. It should be the endeavour of the information seeker to avoid such communication that would leave scope of interpretation

and can potentially be detrimental to their own right to seek information and as such it is advisable that RTI application ought to be more elaborate and specific rather than being scriptic in nature.

b) However, at the same time when the information seeker has sought the relevant plan and sketches pertaining to approval granted for specific survey number, then the PIO also is duty bound not to create situation wherein any part of the information is suppressed or denied to information seeker and therefore the aspect of creating information or having to create information as contended by the PIO in his reply is not acceptable.

c) Further there is no material on record to even remotely suggest that the PIO has acted in compliance of the directions of the FAA.

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

a) The present second appeal is allowed.

b) The PIO, Shri. Rajesh Asolkar is hereby directed to provide inspection of all the relevant documents in possession of village panchayat Assagao pertaining to subject matter of the present RTI application to the Appellant herein, Dinesh Da Costa on 24/06/2025 within office hours and also provide certified true copies of the documents which has not already been provided to him earlier and record the minutes of the proceeding of this exercise.

- c) The PIO, Shri. Rajesh Asolkar is also hereby directed to submit compliance report in view of the direction above on **30/06/2025 at 11.00 am** before this Commission.
- d) Registry to issue show cause notice to the PIO, Shri. Rajesh Asolkar seeking clarification as to why no penalty or disciplinary proceeding should not be initiated against him under Section 20(1) of the RTI Act. The said PIO to submit reply to show cause notice and to remain present in person on **30/06/2025 at 11.00 am**, failing which necessary penalty/ disciplinary proceeding shall be initiated against him.
- e) No order as to cost.
- Parties to be provided authenticated copies of this 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