**GOA STATE INFORMATION COMMISSION**
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**Shri. Atmaram R. Barve** State Information Commissioner

**Appeal No. 100/2023/SIC**

Narayan R. Naik,
H. No. 122, Gina, Rua De Maria,
Near Gomantak Bakery,
Sancoale Goa, 403710. ……. Appellant

V/s,

1) The Public Information Officer (PIO),
Mormugao Municipal Council,
Vasco da Gama Goa 403802

2) The First Appellate Authority (FAA),
Mormugao Municipal Council,
Vasco da Gama, Goa 403802 …... Respondents

Filed on:- 13/03/2023

Disposed on:- 04/04/2025

**O R D E R**

1. The present second appeal arises out of the Right to Information (RTI) application filed by RTI application dated 30/11/2022 filed by Shri. Narayan R. Naik and addressed to the Public Information Officer (PIO) of Mormugao Muncipal Council.

2. In response to the said application the PIO Shri. Uday Wadkar, vide communication dated 28/12/2022 wrote to the Appellant herein asking him to attend this Office of the Muncipal Council pertaining to his RTI application.

3. The Appellant submits that he approached the PIO, and provided the necessary clarification after which the PIO provided a response dated 13/01/2023 asking the

appellant to make a payment of Rs. 94/- (Rupees Ninety Four Only) and collect the said information.

4. Thereafter, vide first Appeal dated 18/01/2023 the Appellant herein preferred the first Appeal before the Chief Officer (C.O) of the Mormugao Muncipal Council.

5. Thereafter, citing the grounds that information has not been provided and that the First Appellate Authority (FAA) has not decided the matter, the appellant herein filed the second appeal before this Commission on 13/03/2023.

6. Notices were issued to the parties on 11/04/2023 and matter was taken up from 9/05/2023 onwards. Vide application dated 23/08/2023 the Appellant sought leave of this Commission for amendment of the Appeal and also for production of additional documents, which was allowed by this Commission and accordingly fresh copies were served on to the other parties.

7. Thereafter, the matter was argued in tandem by both the parties and the same was fixed for final arguments on 19/03/2024.

8. However, by this time the former State Information Commissioner (SIC) had demitted Office and there was no further progress in this matter.

9. The matter was taken up upon resumption of regular proceedings from 25/09/2024 onwards.

10. It has been the contention of the Appellant that the conduct of the PIO is that of noncooperation and providing vague and irrelevant information such as Roznama entries which were not a part of the appellants original RTI application and further stated that reply in terms of point No. 2 and No. 3 of his RTI application is vague and misleading in nature.

11. Vide memo dated 4/04/2025 the Appellant brought on record a separate RTI application dated 03/09/2024 made by one Shri. Shambhunath Yadav seeking information on the same subject matter wherein the PIO has replied that there is no house tax number 101/41/1 or 107/41/1 registered in the records of the Mormugao Muncipal Council.

12. It is the Appellants contention that the PIO has misled him by providing vague and irrelevant information wherein the PIO could have simply responded that the said house tax number is not registered.

13. Further, it is contended by the Appellant that the First Appellate Authority (FAA) has also caused grave prejudice by way of not deciding the first appeal in the stipulated time period and also by way of not communicating the said order.

14. The Public Information Officer (PIO) contends that he has acted in good faith and has tried to provide the necessary information to the seeker.

15. The First Appellate Authority (FAA) sought to be refuse from being made a party in this matter and submitted before this Commission that the order was communicated to the Appellant on 4th April, 2023.

16. The Appellant took a strong objection and pointed out that the said order was communicated beyond the stipulated time period and also by way of normal postal communication instead of Registered A. D.

17. Upon perusal of the Appeal memo and other submissions made by both the parties, this Commission is of the considered opinion as under:-

a. Primafacia the Public Information Officer (PIO) appears to have made efforts to call upon the information seeker and get clarity on the subject matter of the RTI application.

b. However, providing information beyond the stipulated time period of 30 days and further charging Rupees 94 towards the information provided raise questions as this exercise could have very well been completed within the stipulated time period of 30 days.

c. The First Appellate Authority (FAA) has displayed a casual conduct in so far as deciding the first Appeal is concerned.

d. It is a common sight that FAA's try to find an escape route by way of the lack of clarity in so far as the duties and obligation of the First Appellate Authorities are concerned in terms of the RTI Act and rules of the Right to Information Act, 2005 (RTI Act, 2005).

e. The memo placed on record by the Appellant raises serious concerns about consistency of information provided. The PIO cannot have contradictory approach on the same subject matter on two different occasions.

18. In view of the above the present second Appeal is disposed with the following orders:-

a) The present second appeal is allowed.

b) The Public Information Officer (PIO) Shri. Uday Wadkar or any other person presently discharging duties as the Public Information Officer (PIO) is directed to forthwith reassess the RTI application made by the Appellant herein dated 30/11/2022 and provide a pointwise reply within 15 days from the receipt of this order or 12th May, 2025 whichever is earlier.

c) The Public Information Officer (PIO) Shri. Uday Wadkar or any other person presently discharging duties as the Public Information Officer (PIO) is directed to refund the amount of Rs. 94/- (Rupees

Ninety Four Only) to the Appellant as the said information was provided beyond the stipulated time period.

d) The Director of Muncipal Administration, Govt. of Goa is hereby directed to conduct an inquiry pertaining to the inconsistency in providing the information on the part of the PIO is concerned. The said inquiry to be completed on or before 12th May, 2025 and compliance report towards the same shall be submitted to this Commission on or before 19th May, 2025.

e) The Registry to issue showcause notice to the relevant Public Information Officer (PIO) seeking clarification as to why no action should be initiated in terms of section 20 (1) of the RTI Act, 2005. The relevant PIO to remain present alongwith reply to the showcause notice and compliance report interms of the orders above on 19th May, 2025 at 11.00 a.m. before this Commission.

f) The Govt. of Goa through its Chief Secretary is directed to carry out necessary amendments in the Rules under the Right to Information Act, 2005 so that the role and responsibility of First Appellate Authorities can be more elaborately defined and enforced.

g) No order as to cost.

proceeding stands closed.

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