

**GOA STATE INFORMATION COMMISSION**

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**Shri. Atmaram R. Barve**

State Information Commissioner

**Appeal No. 438/2023/SIC**

Shriram S. Raiturkar,  
H. No.163, Pajifond,  
Isidoro Emilio Baptista Road,  
Margao-Goa 403601.

**.....Appellant**

**V/s**

1.The Public Information Officer,  
Directorate of Municipal Administration,  
Dempo Towers, 1<sup>st</sup> Floor, Patto Plaza,  
Panaji-Goa.

2. The First Appellate Authority,  
Directorate of Municipal Administration,  
Dempo Towers, 1<sup>st</sup> Floor, Patto Plaza,  
Panaji-Goa.

**....Respondent**

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

**Disposed on: 07/01/2025**

**ORDER**

1. The present second appeal arises out of the Right to Information (RTI) application filed by Shri. Shriram S. Raiturkar the Appellant herein, addressed to the Public Information Officer (PIO) of the Directorate of Municipal Administration Govt. of Goa dated 20/06/2023.
2. In response to the said application the PIO Shri. Ganesh Barve called upon the Appellant herein to collect the information vide his communication dated 19/07/2023.
3. Thereafter, citing the grounds that the information sought was neither furnished nor rejected by the PIO within the stipulated time, the appellant herein preferred the first appeal dated 11/08/2023 before the First Appellate Authority (FAA).

4. In the first appeal the appellant contended that the reply dated 19/07/2023 to his application was not received by him and as such the first appeal had to be preferred.
5. Vide application dated 24/10/2023 the Appellant herein sought for an early hearing in his matter. The First Appellate Authority had issued notice dated 18/08/2023 and kept the matter for hearing on 31/08/2023.
6. Thereafter on account of no progress in the proceedings before the First Appellate Authority the appellant had to prefer the present second appeal vide his appeal memo dated 06/12/2023.
7. The Commission vide its notice dated 23/01/2024 took up the matter on 01/02/2024 onwards.
8. Thereafter on account of the State Information Commissioner demitting Office the proceeding resumed from 15/10/2024 onwards, wherein a showcause notice was issued to the PIO for his continuous absence in this matter.
9. Vide reply dated 13/11/2024 the PIO provided a pointwise response to the said showcause notice and prayed for withdrawal of the same.
10. The First Appellate Authority after the passage of almost one year filed his reply to the Appeal memo on 11/12/2024.
11. In response to the same the Appellant has filed rejoinder as well as written arguments and issued copy of the same onto the Respondents.
12. The Respondent PIO also proceeded with his oral arguments in this matter thereby concluding detailed arguments in this matter.

13. Upon perusal of the facts and material brought on record, this Commission is of the opinion that:-

- a) The conduct of the PIO leaves a lot of scope for interpretation to construe denial of information to the seeker.
- b) Issuing response to the seeker on the 29<sup>th</sup> day from the application, sending such a response through ordinary post and also not taking efforts to seek information from other authorities or third parties raise doubts about the conduct of the PIO.
- c) Moreover there is no evidence on record which can even remotely suggest otherwise and the defense that the seeker of information did not approach the PIO directly or approached the dealing hand in the Office of the PIO do not hold any weightage.
- d) Further the conduct of the First Appellate Authority appears to be that of complete disregard, dishonor and negligence towards the spirit of the RTI Act.
- e) Not deciding the appeal within the stipulated time and after passage of one year seeking relief to hear the first appeal afresh are nothing but attempts to cause a grave prejudice to the right of the information seeker in this matter.

14. Therefore, in the light of the above the present appeal is allowed with the following orders:-

- a) The PIO shall forthwith allow inspection of the requisite documents and also provide certified true copies of the same to the Appellant herein on or before 21/01/2025.

- b) A compliance report of the same to be submitted at this Commission on 23/01/2025.
- c) Registry to issue a show cause notice to the PIO seeking clarification in terms of order above and the PIO shall remain present alongwith the reply to the showcause notice as well as compliance report as mentioned above on 23/01/2025 failing which necessary disciplinary and penalty proceedings shall be initiated.
- d) The Chief Secretary Govt. of Goa as well as Secretary of Urban Development of Govt. of Goa to review the conduct of the FAA herein that is Director of Municipal Administration, Govt. of Goa and issue necessary directions to ensure prompt and timely disposal of First Appeals under this Act.
- e) Authenticated copies of this order to be issued to the parties herein and also Chief Secretary and Secretary of Urban Development of Govt. of Goa, respectively.

No order as to cost.

Appeal disposed accordingly.

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