

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 90/2024/SIC

Shri. Vithal Fati Jalmi,
R/o. H.No. 869, Manaswada,
Kundaim, Ponda-Goa
403115.

-----Appellant

V/s

The Public Information Officer (PIO),
Office of Village Panchayat,
Dassolwada, Kundaim,
Ponda-Goa.

-----Respondent

Filed on: 16/04/2024
Decided on: 12/02/2025

ORDER

1. The present second Appeal arises out of the Right to Information (RTI) application dated 06/02/2024 made by Shri. Vithal Fati Jalmi the Appellant herein and addressed to Public Information Officer (PIO) at Village Panchayat Kundaim, Ponda-Goa.
2. The Public Information Officer (PIO), Smt. Puja Gawas vide communication dated 08/03/2024 provided a pointwise reply to the Appellant herein.
3. Aggrieved by the reply the Appellant herein preferred the first Appeal dated 11/03/2024 before the competent authority with a plea to impose penalty for the delayed response.

4. Vide order dated 05/04/2024 the First Appellate Authority (FAA) disposed the first appeal holding that the PIO has given satisfactory response.
5. Aggrieved by the order of the First Appellate Authority (FAA) the appellant herein preferred second appeal before this Commission on 16/04/2024.
6. This appeal came to be filed at a time when the former State Information Commissioner had demitted office and as such notices were issued upon resumption of regular proceedings and matter came to be heard from 10/12/2024 onwards.
7. It has been the contention of the Appellant herein that the PIO has deliberately delayed the information thereby leading to denial of information.
8. However, the PIO contended that the desired information was delivered with a one day delay purely out of inadvertence and that there was no deliberate delay.
9. The matter was argued by both the parties and during the course of arguments.
10. It was made clear by the Respondent PIO that the RTI application of the Appellant was in the form of question and answer and as such ought to be rejected but inspite of the same the PIO made an attempt to trace the information sought and on account of the

same being unavailable it was informed to the Appellant accordingly.

11. In view of the above this Commission is of the considered opinion as under:-

- a) The Appellant has not been able to established that there was a deliberate suppression, or delay that could be construed as denial of information.
- b) The Public Information Officer (PIO) ought to have made necessary attempts to provide response to the Appellant within the stipulated time frame; without taking the refuge of delay out of inadvertence.
- c) Simply imposing penalties upon the Public Information Officers without any substantial evidence of deliberate denial of information would cause prejudice towards the Public Information Officers and would set an unhealthy precedent.

12. Considering the above the present second appeal stands dismissed without cost.

No order to cost.

Pronounced in open court on this 5th day of March, 2025.

Proceeding stands closed.

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