

**GOA STATE INFORMATION COMMISSION**  
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**Complaint No.43/2025/SCIC**

Anand Tukaram Naik,  
R/o. H.No. 205, Ravinagar,  
Khadpaband, Ponda-Goa. -----Complainant

V/s

Ponda Municipal Council,  
Through Its Public Information Officer,  
Ponda-Goa. -----Opponent

**Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC**

**Relevant Facts Emerging from the Complaint**

<b>Complaint received on</b>	13/05/2025
<b>First hearing held on</b>	06/11/2025
<b>Decided on</b>	08/12/2025

**Information sought and background of the Complaint**

1. Shri. Anand Tukaram Naik filed an appeal dated 13/05/2025 under RTI Act, 2005 to the PIO, Ponda Municipal Council (PMC) seeking following information with regard to House No.6/191/7, near ID Hospital, Santa Cruz, Ponda :
  - i. "Name and address of the person in whose name House No.6/191/7 is registered.
  - ii. Construction licence issued, if any, by your office.
  - iii. Approved plan.
  - iv. Occupancy Certificate.
  - v. Documents submitted at the time of registration of the house for house tax purpose.
  - vi. Sanad".
2. In response to the RTI application, PIO (Municipal Engineer), Ponda Municipal Council vide letter dated 13/06/2025 replied to the Appellant as under :

*"With reference to your application dated 13/05/2025, requested information bearing H.No.6/191/7 owned by Smt. Rekha R. Shirodkar, you are hereby informed that the information sought by you regarding Point No.1 to 6 cannot be furnished on the basis of Section 8(1) (j) of the RTI Act".*

3. Being aggrieved by the reply received from the PIO, Appellant filed first appeal dated /06/2025 before the First Appellate Authority stating that the documents sought by the Appellant are public documents and PIO wrongly applied Section 8(1) (j) of the RTI Act, 2005 and the deliberate denial of information by the PIO indicated clear attempt to shield illegalities under the guise of personal interests as statutory exemption. Appellant prayed that Respondent PIO be directed to provide the information sought by the Appellant.
4. FAA (Chief Officer, Ponda Municipal Council) after hearing the Appellant and the Respondent PIO, vide order dated 02/09/2025 disposed the appeal by directing the PIO to furnish information sought at Point No.1, 2, 4 and 6, free of cost within 07 days of receipt of the order and information pertaining to Point No.5 shall be disclosed subject to condition such as Aadhar Card, PAN Card or any other personal document shall not be disclosed to the Appellant.
5. Following the order passed by the FAA, Respondent PIO vide letter dated 11/09/2025 furnished information sought by the Appellant at Point No.1,2,4,5 and 6 of the RTI application.
6. Subsequently, Appellant preferred Complaint dated 10/10/2025 before the Commission stating that :
  - a. Respondent PIO failed to provide information in respect of Point No.2 of the RTI application dated 13/05/2025.
  - b. The person against whom the information is sought works at the Ponda Municipal Council along with the Respondent which indicated that the denial of information is deliberate in nature.
 Complainant prayed before the Commission that :
  - i. An inquiry be conducted against the PIO, Ponda Municipal Council for failing to provide information.

- ii. Direct the PIO to provide complete information as per the order of the FAA.
- iii. Impose penalty on Respondent PIO for providing incomplete information.

### **FACTS EMERGING IN COURSE OF HEARING**

7. Pursuant to the filing of the present complaint, parties were notified fixing the matter for hearing on 06/11/2025 for which Adv. Sujay S. Madkar present for the Complainant and Opponent PIO (Municipal Engineer, PMC) present in person.

Opponent PIO filed written submission dated 06/11/2025 along with relevant annexure with an additional copy to the Complainant. In the submission, Opponent PIO stated that :

- a. Information sought at Serial No.2 was not available in the concerned file and the same was informed to the higher authority vide note dated 09/09/2025.
- b. PIO issued letter dated 28/10/2025 to Smt. RekhaRajendraShirodkar (Construction licence holder) to submit copy of Construction Licence No.187/98-99 dated 18/02/1999 to the Ponda Municipal Council so that the same can be placed on records.
- c. PIO issued a memo to all Section heads at Ponda Municipal Council to furnish a copy of the said construction licence if available in their possession.
- d. PIO made all efforts to furnish information sought by the Complainant.

During the proceedings, Opponent PIO submitted that he is ready to provide inspection of the file/records to the Complainant. Presiding Commissioner instructed the Opponent PIO to conduct another round of thorough search to trace the missing document. Matter posted to 25/11/2025.

8. Matter called out for hearing on 25/11/2025 for which Opponent PIO present and Adv. Sujay S. Madkar present for Complainant.

Opponent PIO filed written submission dated 25/11/2025 stating that :

- a. In response to his memo dated 04/11/2025 to all the Section heads at Ponda Municipal Council, all sections informed the Opponent PIO that the sought documents are not found in their sections.
- b. Reply submitted by the Section heads has been forwarded to the Chief Officer for necessary action.
- c. Since the Opponent PIO made all efforts to furnish information as sought by the Complainant, present complaint may please be dismissed.

Presiding Commissioner directed the Opponent PIO to allow the Complainant to inspect the concerned file. Accordingly, Opponent PIO submitted his willingness to provide inspection to the Complainant on the same day (25/11/2025) at 3.00 p.m. in his office. Presiding Commissioner instructed the Complainant to conduct inspection. Matter fixed for further hearing on 08/12/2025.

9. When the matter took up for final argument on 08/12/2025, Opponent PIO present and the Complainant present with Adv. Sujay S. Madkar. Opponent PIO submitted that complying with the direction of the Hon'ble Commission, Complainant was allowed to inspect the concerned file on 25/11/2025 along with his lawyer. However the Construction License Bearing No.187/98-99 dated 19/02/1999 did not find in the said file.
10. Complainant in the written submission dated 08/12/2025 stated that :
  - i. Opponent PIO failed to furnish information sought at Point No.2 of the RTI application.
  - ii. Non-availability of information in the concerned file is not a valid exception under RTI Act, 2005.
  - iii. As the document sought by the Complainant is presently not traceable in the concerned file, an inquiry into the missing of the said document please be ordered.

## **DECISION**

**Commission has come to the conclusion that :**

- i. The core requirement of the Complainant is the copy of Construction Licence No. 187/98-99 dated 18/02/1999 issued by the Ponda Municipal Council, Ponda, Goa to Smt. Rekha R. Shirodkar, R/o. 6/191/7, Santa Cruz, Ponda.**
- ii. Opponent PIO made all efforts including writing to all Section heads in the Ponda Municipal Council to furnish the information to the Complainant but could not trace the particular document pertaining to the year 1999 even though the file pertaining to the said construction license is available in the office of the Opponent PIO.**
- iii. As part of his effort, Opponent PIO allowed the Complainant to physically inspect the concerned file on 25/11/2025 but Complainant could not find the concerned document.**

**Since the file pertaining to the Construction Licence No.187/98-99 dated 18/02/1999 is still available at Ponda Municipal Council with the concerned Construction Licence document is missing from the file, Complainant's allegation of illegality in the construction on the basis of the said licence assumes significance. Hence, the Commission directed the CHIEF OFFICER, PONDA MUNICIPAL COUNCIL to-**

- i. Institute an inquiry into the missing of that particular Construction Licence No.187/98-99 dated 18/02/1999 from the concerned file of the Ponda Municipal Council and initiate appropriate action under Service Rules applicable against those who found responsible after said enquiry for the said missing/misplacing/destruction of the aforesaid construction license, which is a government document.***

***ii.* Chief Officer's compliance report should reach the Commission within 21 days from the receipt of this order.**

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

**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/-**

**(ARAVIND KUMAR H. NAIR)**

**State Chief Information Commissioner, GSIC**