

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Complaint No. 52/2025/SIC

Nakul Mhamal,
BG-1, Royal Flats,
Saldhana Colony,
Alto, Porvorim, Goa 403521.

..... **Complainant**

V/s

1.Public Information Officer.
Pournima Dessai,
Brackish Water Fish Farmers Development Agency (BFDA),
Benaulim, Salcete-Goa 403716.

2. First Appellate Authority,
Mr. Cedric Gomes,
Chief Executive Officer,
Brackish Water Fish Farmers Development Agency (BFDA),
Benaulim, Salcete-Goa 403716. **Opponents**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 25/07/2025
Disposed on: 12/11/2025

ORDER

1. The proceeding in Complaint No. 52/2025/SIC and Appeal No. 162/2025/SIC shall be disposed off by virtue of this order.
2. Proceeding in this matter arises out of Right to Information (RTI) application dated 24/04/2025 made by the Complainant herein, Shri. Nakul Mhamal and addressed to the Public Information officer (PIO) at Brackish Water Fish Farmers Development Agency (BFDA), Government of Goa.

3. Vide reply dated 27/05/2025, the PIO, Smt. Pournima Dessai informed the Complainant herein that pointwise information sought by him is unavailable.
4. Thereafter aggrieved by this response the Complainant herein preferred first appeal vide appeal memo dated 30/06/2025.
5. It is contended by the Complainant herein in first appeal as well as the complaint that only one hearing was conducted in first appeal and that citing the reason of his late arrival for hearing he was not given an opportunity to be heard and that at the time of filing present complaint the Complainant was not served with the copy of the order of the First Appellate Authority (FAA).
6. It is also contended by the Complainant herein that, the Brackish Water Fish Farmers Development Agency has been constituted under Directorate of Fisheries, Government of Goa and that the PIO of this agency ought to have transferred his RTI application to the PIO of that particular department so as to dispose his RTI application in right manner and spirit.
7. The PIO vide her reply has stated that she rightly informed the Complainant herein about the unavailability of documents sought by him in his RTI application and also as further that the Complainant herein arrived 4 minutes late for the hearing before the FAA thereby leading to disposal of first appeal.
8. The FAA, Shri. Cedric Gomes vide his reply bring on record that the first appeal was decided and order was issued to the Complainant in a span of 10 days. The FAA also further adds that certain information which came to forth at later stage has been furnished to the Complainant herein, thereby settling the query of the Complainant herein.

9. The FAA further adds that although the concerned agency receives grants from Government of Goa, he has lack of staff which hampers his regular office duties.
10. Upon perusal of complaint memo, replies as well as upon hearing the arguments, this Commission is of considered opinion as under:-
- a. Although Section 2(f) of the RTI Act makes it clear that the PIO is supposed to provide only the information which is present and is not supposed to create the information but at same time the PIO cannot escape responsibility of maintaining proper documentation as provided under Section 4 of the RTI Act.
 - b. The action of non-maintenance of records and trying to seek refuge of Section 2(f) is gross misuse of RTI Act and is completely against the letter and spirit of the same.
 - c. Over and above inaction on part of the PIO, she has further displayed non-application of her mind by way of not transferring the said RTI application to any other PIO of Public Authority as the case may be.
 - d. The FAA has acted against the spirit on one of the basic principles of natural justice 'audi alteram partem' i.e. providing ample opportunity to other party to be heard.
 - e. If adjudicating authorities start holding the litigants responsible for delay of 2 or 4 minutes, then it would be virtually impossible for any aggrieved party to be heard before appropriate authority.

- f. The conduct of the PIO as well as the FAA is against the spirit of RTI Act and the same has to be considered as denial of information.
11. Therefore, considering the above the proceeding in this matter are disposed off with following orders:-
- a. The present complaint is allowed.
 - b. The PIO, Smt. Pournima Dessai is directed to forthwith reaccess the Complainant's RTI application dated 24/04/2025 and provide physical inspection as well the certified copies of information sought by him free of cost on the same day within 30 days from the passing of this order or on 15/12/2025 whichever is earlier.
 - c. The PIO is further directed to record the minutes of the proceeding of this exercise and inscribe her name and signature upon the completion of the same and also take acknowledgment on the same from the Complainant herein.
 - d. Registry to issue show cause notice to the PIO, Smt. Pournima Dessai as to why no action should be initiated against her for non-compliance of the order of this Commission and said officer shall remain present alongwith reply to show cause notice as well as minutes of the proceeding personally before this Commission on **22/12/2025 at 11.00 am**; failing which necessary penalty and disciplinary proceeding shall be initiated against her.
 - e. The Director, Directorate of Fisheries, Government of Goa is hereby directed to conduct inquiry against the FAA, PIO,

APIO as the case may be jointly and severally for their collective failure to maintain the records of their office in the right spirit of RTI Act, 2005.

f. The Director, Directorate of Fisheries, Government of Goa shall ensure that such an inquiry is completed on or before 15/12/2025 and inquiry report is placed before this Commission by remaining present in person on **22/12/2025 at 11.00 am.**

- No order as to cost.
- Parties to be provided authenticated copies of the 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