

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 187/2025/SCIC

Mrs. Sinatra Paes,
R/o. 930/7(1),
Moddi, Navelim,
Salcete Goa, 403707.
V/s

..... Appellant

The Public Information Officer,
Village Panchayat, Navelim,
Salcete Goa.

..... Respondent

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

RELEVANT FACTS OF THE APPEAL

RTI application filed on	- 08-05-2025
Respondent PIO reply	- 05-06-2025
First Appeal filed on	- 09-06-2025
First Appellate order on	- 10-07-2025
Second appeal received on	- 09-08-2025
<i>First Hearing Held on</i>	- 19-09-2025
Decided on	- 19-09-2025

Information Sought and Background of the Appeal

1. Mrs. Sinatra Paes filed an RTI application dated 08/05/2025 under RTI Act, 2005 to the PIO, Village Panchayat, Navelim seeking following information:
- i. *"Copy of application received from Mrs. Reshma Bepari for NOC for business under Rays Waste Wise Eco*
 - ii. *Copy of all attachments submitted by Reshma Bepari for obtaining NOC for business from Navelim Panchayat*
 - iii. *Copy of shop agreement alongwith Panchayat receipt of one month rent received from the concerned owner and copy of receipts as NOC fees*
 - iv. *Copy of Panchayat resolution or any certificate issued by the Panchayat to allow Reshma Bepari to use panchayat segregation shed*
 - v. *Copies of NOC issued to Reshma Bepari for provisional as well as final trade establishment licence".*

2. In response to the RTI application, PIO Village Panchayat Navelim vide letter dated 05/06/2025 replied as under :-

<i>"Point No. 1 & 2</i>	<i>Please find enclosed certified copy of the application alongwith all the xerox certified copies of the attachments submitted by Reshma Bepari for obtaining NOC for business</i>
<i>Point No. 3</i>	<i>Please find enclosed the copy of the shop agreement received from the concerned owner alongwith the certified copy of receipts as NOC fees. Further the receipt in respect of one month rent is not available on office records</i>
<i>Point No. 4</i>	<i>Please find enclosed the certified copy of the resolution alongwith the xerox copy of letter issued to Reshma Bepari to use the panchayat segregation shed. Application received from Reshma Bepari seeking permission to use the panchayat premises is not traceable at the moment. However, efforts are being made to trace the same</i>
<i>Point No. 5</i>	<i>Please find enclosed certified copy of the provisional NOC and Trade Establishment License issued to Reshma Bepari".</i>

3. Appellant then filed first appeal dated 09/06/2025 before the First Appellate Authority (BDO-Salcete) with reference to PIO's reply in respect to Point No. 4 (application submitted by Reshma Bepari seeking permission to use Panchayat segregation shed) as "not traceable" and stating that (i) PIO has not indicated any estimated time frame for retrieval of the sought information and (ii) the PIO's reply lacks justification for the delay beyond the statutory period.
4. First Appellate Authority (B.D.O-II, Salcete) vide Order dated 10/07/2025 directed the Respondent PIO to file FIR of the missing documents from the office records.
5. Subsequently appellant preferred second appeal dated 19/08/2025 before the Commission on the grounds of unsatisfactory order issued by the FAA, deliberate withholding and delay of information, misuse of position by PIO and demanding refund of RTI fee for not furnishing complete information initially.

Appellant prayed for –

- i. *Furnishing certified copies of original application from Reshma Bepari to the Navelim Panchayat and the NOC issued*

- ii. *In depth inquiry into the deliberate withholding of information by the PIO*
- iii. *Refund of the RTI fee as required under the RTI Act due to the failure to provide complete information*
- iv. *Disciplinary proceedings against Respondent PIO for her failure to comply with the RTI Act*
- v. *Issuance of an order to the PIO to provide a clear & fixed timeline for retrieval of the requested information.*

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 18/09/2025 for which Appellant and Respondent PIO present in person.
7. During the course of hearing, Appellant submitted that she has not received complete information to her 5-point RTI application dated 08/05/2025 and stated that she had sought the certified copy of application and documents submitted by Reshma Bepari seeking Navelim Village Panchayat's permission to use panchayat segregation shed but that information was not provided by the Respondent PIO citing '*not traceable*'. Similarly receipt in respect of one month rent paid by Reshma Bepari also not furnished initially on the ground of "*not available on office records*'.
8. Respondent PIO submitted that the RTI application of the appellant dated 08/05/2025 was timely replied vide letter dated 05/06/2025 furnishing information to all 5-points of the RTI application. With regard to the receipt in respect of one month rent, Respondent PIO submitted that she had given the reply of "*not available on office record*" because at the time of replying the RTI application on 05/06/2025, receipt was not available as rent was not collected from Reshma Bepari and subsequently one month rent amount of Rs. 6000/- was collected from Reshma Bepari

vide Receipt Book No. 154 dated 30/06/2025 and the copy of the said receipt was furnished to the Appellant, who agreed the same.

9. With regard to the application seeking panchayat's permission to use panchayat segregation shed, Respondent PIO submitted that despite their best effort, she could not trace the said documents in the office records and conveyed the same to the appellant in the reply dated 05/06/2025 and before the FAA during the hearing in first appeal.

10. Complying with the direction issued by the FAA vide order dated 10/07/2025 to register an FIR for the said missing document from the office record, a formal complaint dated 12/08/2025 was filed to the Police Inspector, Margao Town Police Station by the Secretary, Village Panchayat Navelim requesting to register an FIR into the missing of the aforesaid document from the Panchayat records.

Accordingly, a copy of the letter submitted to the Police Inspector, Margao Town Police Station sent to the appellant's given address in the RTI application by registered post but same returned undelivered. Presiding Commissioner confirmed that the present PIO had sent the copy of police complaint to the residential address of the appellant mentioned in the RTI application and the same has been returned with the postal remark '*undelivered*'. As directed by the Presiding Commissioner, the same letter was handed over to the Appellant by the present PIO today (18/09/2025).

COMMISSION'S OBSERVATIONS

11. Based on the perusal of documents and the oral submissions made by the Appellant and Respondent PIO, Commission has come to the following conclusion :

- i. **Appellant's RTI application dated 08/05/2025 was replied(05/06/2025) within the stipulated time frame of 30 days by furnishing information to all points except the copy of application submitted by Reshma Bepari seeking permission to use panchayat's segregation shed.**

- ii. Respondent (then PIO) appropriately replied to the Appellant that said documents (application submitted to the panchayat) is not traceable.
- iii. When the effort to trace the document in question did not succeed, complying with the order of the FAA, present PIO filed a complaint dated 12/08/2025 to the Police Inspector, Margao Town Police Station requesting to register an FIR into the missing of the said document and a copy of the police complaint furnished to the appellant too.
- iv. Respondent PIO had furnished copies/certified copies of all documents except application sought by the Appellant and since the application is not-traceable, following the due process established by the law, present PIO filed a police complaint requesting to register an FIR into the missing of document.
- v. Since the Respondent PIO charged the RTI fee from the Appellant on the basis of number of pages of information furnished, there is no provision for refunding the RTI fee.

DECISION

- i. Since the Respondent PIO has furnished all information sought by the Appellant except the application filed to the Panchayat by Mrs. Reshma Bepari for which a police complaint has already been lodged by the Respondent PIO on 12/08/2025, Commission disposed the matter today (19/09/2025) as the present appeal doesn't warrant further proceedings.

- ii. **Commission however directed the present PIO to make another attempt to trace the untraceable document and communicate the outcome of the fresh search to the Appellant and the Commission within a week from the date of receipt of this order.**
- iii. **Meanwhile, present PIO can direct the concerned party (Mrs. Reshma Bepari) to produce the application she had submitted to the Village Panchayat, Navelim for a verification by Secretary, Village Panchayat Navelim and furnish a copy of the application to the appellant in the event Mrs. Reshma Bepari submit the same.**
- iv. **File a compliance report in this regard to the Commission with 15 days from the receipt of this order.**

- *Proceedings stands closed.*
- *Pronounced in the 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