

GOA STATE INFORMATION COMMISSION

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Appeal No.155/2026/SCIC

Shri Hilario Francis Fernandes,
H. No. 2/248, Naika Vaddo,
Bishop Alex Dias Road, Calangute,
Bardez, Goa 403516.

-----Appellant

V/s

The Public Information Officer,
Village Panchayat Secretary,
Village Panchayat Calangute,
Calangute, Bardez Goa 403516.

-----Respondent

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

Relevant Facts Emerging from the Appeal

RTI application filed on	19/01/2026
PIO replied on	-
First Appeal filed on	02/03/2026
First Appellate order on	01/04/2026
Second appeal received on	22/04/2026
First Hearing	03/06/2026
Decided on	22/06/2026

Information sought and Background of the Appeal

1. Shri. Hilario Francis Fernandes filed an application dated 19/01/2026 under RTI Act, 2005 to the PIO, Village Panchayat, Calangute seeking following information:
 - a) *"Whether any construction license has been issued for new construction that is taking place in the Northern portion of Survey No.475/2?"*
 - b) *Whether any technical clearance has been issued for new construction that is taking place in the Northern portion of Survey No. 475/2?*
 - c) *If the above mentioned license and clearance have been issued Kindly provide a certified copy of the same."*

2. Failing to receive any reply or information to his RTI application, Appellant filed first appeal dated 02/03/2026 before the First Appellate Authority.
3. First Appellate Authority (BDO-I, Bardez, Goa) vide order dated 01/04/2026 directed that :
 - i. *The Respondent shall facilitate physical inspection of files, records and plans pertaining to the construction in Survey No. 475/2 by the Appellant.*
 - ii. *Respondent is directed to furnish complete and certified copies of the information sought by the Appellant.*
 - iii. *Respondent shall comply with his order within 10 days from the receipt of the order.*
4. Subsequently, Appellant preferred second appeal dated 22/04/2026 before the Commission citing non-compliance of the First Appellate Authority's order by the Respondent PIO and prayed before the Commission that Respondent PIO be directed to provide information in accordance to the RTI application dated 19/01/2026 and initiate penal and disciplinary proceedings against the Respondent PIO for gross negligence and wilful denial of information.

FACTS EMERGING IN COURSE OF HEARING

5. Pursuant to the filing of the present appeal, matter was taken up for hearing on 03/06/2026 for which Appellant present and Adv. Swati Verlekar present for Respondent PIO. During the course of proceedings, Presiding Commissioner directed Advocate for Respondent PIO to properly check the Panchayat records to ascertain the issuance of construction license and technical clearance for construction in the Northern portion of the property bearing Survey No. 475/2, Calangute Village. In order to facilitate the search easier for the Respondent PIO, on the direction of the Presiding Commissioner, Appellant furnished copies of Form I and XIV of Survey No. 475/2, Show Cause Notice dated 13/05/2026 and letter dated 11/03/2026 of BDO-I, Bardez to

Dy. Director of Panchayats (North) requesting for site inspection u/s 66/5 of Goa Panchayat Raj Act 1994.

Presiding Commissioner suggested to avail the option of inspection of Panchayat records by the Appellant and it was agreed by the Respondent PIO's lawyer, who has requested for a short date for next hearing.

6. Matter took up for further hearing on 22/06/2026 for which Appellant appeared alongwith Adv. Deepti Suresh Kambli and Adv. Swati Verlekar, present for Respondent PIO.

7. Respondent PIO's lawyer filed written submission stating that :

- i. In compliance to the oral direction of the Hon'ble Commission, Respondent PIO (Secretary, Village Panchayat Calangute) arranged physical inspection of Register of Construction License for the year 2024-25 and 2025-26 by the Appellant.*
- ii. After the physical inspection on 16/06/2026, Appellant mentioned in the Register that he did not find record/information pertaining to his RTI application.*
- iii. Said inspection of records by the Appellant on 16/06/2026 and his comments/remark in the Register for Construction License may kindly be taken on record and may be treated as information furnished to the Appellant.*

8. Respondent PIO's lawyer produced copy of the particular page of the Register having the following remark/comment of the Appellant mentioned in the Panchayat's register after his physical inspection of the records on 16/06/2026 -

"As per directions of the Commission, I have inspected the Construction License Issued Register for the year 2024-25 and 2025-26 and found no record in this Register for any Construction License/Technical License for the Survey No. 475/2".

DECISION

- i. **The submission of the Advocate for Respondent PIO that *'Village Panchayat Calangute has no record on the issuance of Construction license or Technical Clearance to any construction in the property bearing Survey No. 475/2'* and Appellant's written remark dated 16/06/2026 on the Panchayat Register that *during the course of inspection of the Construction License issued register of the Panchayat for the years 2024-25 and 2025-26 indicates that Village Panchayat Calangute has not issued any Construction License or Technical Clearance for carrying out new construction in the Northern part of the property bearing Survey No. 475/2 Village Panchayat, Calangute.***

- ii. **Commission however, took a serious note over the lack of response on the part of Respondent PIO to the Appellant's RTI application dated 19/01/2026 and the non-compliance of the order dated 01/04/2026 of the First Appellate Authority giving specific direction to furnish complete information within 10 days.**

If the Panchayat is not in possession of the sought information, same should have communicated to the Appellant and informed the First Appellate Authority during the course of hearing in the first appeal, instead of keeping a total silence in the matter, prompting the RTI applicant to approach the Commission with the present appeal.

- iii. **Respondent PIO is hereby directed to file an explanation within 15 days of the receipt of this order as to why penal action u/s 20 of the RTI Act, 2005 should not be initiated for failure to furnish information and non – compliance of the First Appellate Authority's order.**

- Matter disposed.
- 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