

Appeal No. 304/2025/SIC

Shri. Vito G. Gomes,
H.No. 333, Nr. Syndicate Bank,
Caranzalem, Ilhas,
Through his P.O.A.
Alex F. Dias,
H. No. 2/119A, Goletem,
Saligao, Bardez-Goa.

..... **Appellant**

V/s

1.The Public Information Officer (PIO),
North Goa Planning and Development Authority (NGPDA),
Shanta Bldg, 1st Floor,
Next to Vivanta Hotel,
St. Inez, Panaji Goa.

2.The First Appellate Authority (FAA),
O/o. MS, North Goa Planning and Development Authority (NGPDA),
Shanta Bldg, 1st Floor,
Next to Vivanta Hotel,
St. Inez, Panaji Goa.

.....**Respondents**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 19/11/2025

Disposed on: 21/07/2026

ORDER

1. The present Second Appeal arises out of the Right to Information (RTI) application dated 24/06/2025 made by the Appellant herein, Shri. Vito Gomes and addressed to the Member Secretary, North Goa Planning and Development Authority, Panaji-Goa.
2. The Appellant herein had sought copies of entire file pertaining to clearances and approvals in respect of Survey No.186/3, name of village was not specified.

3. In response to the said application, the PIO, Shri. Vikram Tengse vide reply dated 07/07/2025 asked the Appellant herein to provide specific reference file number so as to enable his office to provide the information.
4. Vide Appeal memo dated 30/07/2025, the Appellant herein preferred the First Appeal before the competent Authority objecting to the manner in which the PIO has sought the assistance of the Appellant himself rather than locating or tracing the file.
5. Thereafter, vide Order dated 25/09/2025 rejected the First Appeal aggrieved by the Appellant herein preferred the Second Appeal before this Commission vide Appeal memo dated 18/11/2025.
6. Notices were issued and the matter came up to be heard from 04/02/2026 onwards.
7. Upon perusal of the Appeal memo, reply of the Respondent PIO and arguments proceeded by both parties, this Commission is of the considered opinion as under:
 - a. The PIO, Shri. Vikram Tengse has not acted in the correct manner while disposing the RTI application of the Appellant herein.
 - b. The PIO in the normal course is either the custodian of information or is expected to have access to information sought by the information seeker. The act of the PIO in the instant matter is surprising that he sought the specific file reference from the Appellant himself who in the ordinary course cannot be expected to have any knowledge of the specific file number.

- c. The aspect of third party information and invoking Section 8(1)(j) appeared to have been brought at the time of First Appeal and not while deciding the original application within the stipulated time period.
 - d. Even though the PIO may seek recourse to Section 8 and Section 11 of the RTI Act, however, non-disclosure is not absolute and in this instant the PIO seems to have conveniently sought recourse to Section 8 and Section 11 and also seems to have ignored aspect of severability as laid down in terms of Section 10 of the RTI Act.
 - e. It is a settled rule that disclosure is mandatory and exemption is an exception and if the PIO has reasons to believe otherwise than instead of rejecting the application all and sundry, the Public Information Officer (PIO) has to endeavour to promote disclosure by severing only the limited information which in his opinion might be covered under Section 8 of this Act.
 - f. The instant matter is clear display of non-application of mind on the part of the Public Information Officer (PIO) as well as First Appellate Authority (FAA).
8. Therefore, in view of the above the present Second Appeal is disposed with following orders:-
- a. The present Second Appeal is upheld.
 - b. The order of the First Appellate Authority (FAA) is set aside.
 - c. The PIO, Shri. Vikram Tengse is hereby directed to forthwith re-assess RTI application dated 24/06/2025 within 30 days on receipt of this order and provide certified true copies of the relevant information and provide justification in accordance with RTI Act pertaining to any part of information which has not been disclosed.

d. The PIO, Shri. Vikram Tengse to file a compliance report on or before 05/10/2026 at 11.00 a.m. and remain present in person, according to the direction herein above and also file a reply as to why no action should not be initiated against him in course of non-compliance of directions of this Commission in terms of proviso to Section 20(1) of the RTI Act, 2005.

- No order as to cost.
- Parties to be provided authenticated copies of this order separately under each appeal number.
- 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