

GOA STATE INFORMATION COMMISSION
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Appeal No. 414/2023/SIC

Shri. Sudesh P. Tivrekar,
H.No. 198, Near Govekar Bakery,
Kasarwaddo-Khorlim,
Mapusa-Goa 403507.

.....Appellant

V/S

1.Public Information Officer,
The Head Clerk (Nilesh Lingudkar),
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
The Chief Officer (Chandrakant Shetkar),
Mapusa Municipal Council,
Mapusa-Goa 403507.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 22/11/2023
Detailed Order passed on: 05/06/2026

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 11/07/2023 made by the Appellant, Shri. Sudesh P. Tivrekar and addressed to the Public Information Officer (PIO), Head Clerk, Mapusa Municipal Council, Mapusa, Bardez-Goa.
2. Aggrieved by non-response from the PIO, the Appellant filed first appeal dated 24/08/2023 before the First Appellate Authority (FAA).

3. The FAA vide order dated 04/10/2023, directed the PIO to furnish the desired information to the Appellant within 2 week's time, free of cost and to report compliance.
4. Non-compliance of the FAA order dated 04/10/2023 by the PIO, the Appellant herein preferred second appeal before this Commission vide appeal memo dated 22/11/2023.
5. Notices were issued and matter came up to be heard from 17/01/2024 onwards.
6. However, between the months March 2024 to September 2024, on account of former State Information Commissioner demitting office, there was no further progress in this matter.
7. However, upon resumption of regular proceedings, all these matters came up to taken from October 2024 onwards.
8. During the hearing on 08/10/2024, the Presiding Commissioner issued a Show cause notice to the PIO for non-response for the past several months in the matter and to reply within 10 days with advance copy to Appellant; failure to which matter will be heard final.
9. During the hearing on 20/11/2024, inspite of several opportunities to the PIO failed to file reply to the show cause notice, hence the Presiding Commissioner directed to initiate disciplinary proceeding against the PIO.
10. Upon perusal of the appeal memo and other material on record, this Commission is of considered opinion as under:-
 - a. The PIO has grossly failed to discharge his duty under RTI Act, 2005 by not replying to the RTI application within stipulated time period of 30 days.

- b. The PIO has also failed to comply with the directions issued by the FAA and the Presiding Commissioner.
11. Therefore, in the light of the above facts, the present second appeal is disposed with following orders:-
- a. The present second appeal is allowed.
- b. The present PIO of Mapusa Municipal Council is directed to provide physical inspection of concerned documents pertaining to his RTI application dated 17/07/2023 on 30/06/2026 and also provide certified copies of all documents on same day and duly minute the proceeding of the said exercise and submit compliance report of the same by remaining present before this Commission on **06/07/2026 at 11.00 am.**
- c. Registry to issue show cause notice to the then PIO, Nilesh Lingudkar seeking clarification as to why no action shall be initiated under Section 20(1) and or 20(2) of the RTI Act for non-compliance of the directions of this Commission and FAA and to file reply to show cause notice by remaining present in person on 06/07/2026.
- No order as to cost.
 - Parties to be provided authenticated copies of this 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