

GOA STATE INFORMATION COMMISSION
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**Appeal No. 468/2023/SIC
&
Complaint No. 50/2023/SIC**

Shri. Vithal S. Prabhu Desai ,
H. No. 121, 'Mohini',
Opp. Miracles High School,
Sanguem Goa, 403704. **Appellant/Complainant**

V/s

1. Assistant Public Information Officer (APIO),
Goa Industrial Development Corporation ,
Plot No. 13A-2, EDC Complex, Patto Plaza,
Panaji Goa. 403001.

2. Public Information Officer (PIO),
Goa Industrial Development Corporation ,
Plot No. 13A-2, EDC Complex, Patto Plaza,
Panaji Goa. 403001.

3. The First Appellate Authority,
Goa Industrial Development Corporation ,
Plot No. 13A-2, EDC Complex, Patto Plaza,
Panaji Goa. 403001. **Respondents/Opponents**

Shri. Atmaram R. Barve State Information Commissioner

**Filed on: 26/12/2023
Disposed on: 29/04/2026**

ORDER

1. The present order shall put to rest the contentions in Appeal No. 468/2023/SIC as well as Complaint No. 50/2023/SIC on account of being arising out of common Right to Information.
2. The present proceedings arise out of Right to Information application dated 08/09/2023 made by the Appellant herein,

Shri. Vithal S. Prabhu Dessai and addressed to the Public Information Officer at Goa Industrial Development Corporation, Panaji Goa.

3. Citing the grounds that no response was provided within stipulated time period of 30 days , the Appellant/Complainant herein preferred the First Appeal before the appropriate authority.
4. The First Appellate Authority, Shri. Ulhas K. Naik vide order dated 24/11/2023 directed the Public Information Officer to provide the information after a thorough search after 15 days of the said order.
5. Thereafter, aggrieved by no response from the said Public Information Officer (PIO) as well as Assistant Public Information Officer (APIO), the Appellant/Complainant herein filed Second Appeal before this authority vide its Appeal memo dated 26/12/2023 and also Complaint under Section 18 of RTI Act dated 26/12/2023 respectively.
6. Vide reply dated 30/01/2025, the Respondent No.1 and Respondent No. 2, PIO, Shri. Sohan Uskaikar & Jeetendra Gawandalkar contended that the documents requested by the Appellant were in the custody of the Respondent No.1 i.e. APIO and that the concerned file containing same documents might have been misplaced or lost and also produced a certificate issued by the Police Inspector, Panaji Police Station regarding the Complaint filed pertaining to the missing items pertaining to Goa Industrial Development Corporation, Panaji Goa.

7. The APIO vide his reply dated 16/03/2026 contended that when the cause of action arose in this matter, the relevant APIO was Shri. Jeetendra Gawandalkar and that the present APIO, Raghuraj Shetgaonkar should not be held liable as he has assumed the charge of post from 14/10/2025 onwards.
8. In both the matters the Appellant put forth his contentions and objections to the replies filed by Respondent No. 1 & 2 respectively from time to time.
9. Upon perusal of all the material on record and after going through the contentions of both parties, this Commission is of the considered opinion as under:
 - a. Prima Facie; there is an gross error on the part of the PIO in so far as not responding to the RTI application of the Appellant herein within stipulated time period of 30 days is concerned.
 - b. Secondly, there is no material on record to suggest the compliance of directions of FAA by the PIO within the said deadline of 15 days from passing of order of the same authority.
 - c. The replies filed by the PIO as well as APIO clearly indicate a careless approach in discharging their duties as evident from the fact that the PIO points towards the APIO and the APIO first makes a statement that the documents have gone missing and in the same breath seeks to invoke Section 12(f) of the RTI Act citing that the documents are non-existent and hence cannot be provided under RTI Act.

- d. In doing so, both the PIO as well as the APIO have grossly ignored their inherent obligations and responsibilities as laid down under Section 4 as well as Section 7 of the RTI Act.
 - e. Merely filing a complaint reporting missing files does not absolve the Respondents of their obligations to firstly maintain their records in the manner prescribed Section 4 of the RTI Act.
 - f. Moreover, the PIO is the custodian of information and has obligations of maintaining records and having access to in so far as his domain of work is concerned and in such cases where the PIO is of the opinion that he is not a custodian of or he has no access to any such information desired by the information seeker then the said PIO has the option of transferring such a RTI application to any such public authority which in his opinion would have access to the information desired by the information seeker.
 - g. The acts and abstinences on the part of the PIO as well as APIO have caused denial of information towards the information seeker; which is clearly against the letter and spirit of the RTI Act, 2005.
10. Therefore in the light of above facts and observations the present second Appeal as well as Complaint are jointly disposed with the following orders:
- a. The contentions of the Appellant/Complainant are upheld and the present second Appeal/Complaint are allowed.
 - b. The relevant APIO , Shri. Jeetendra Gawandalkar and relevant PIO, Sohan Uskaikar are found to have caused denial of information to the Appellant herein and as such

have jointly incurred penalty in terms of Section 20(1) of the RTI Act.

- c. The Drawal and Disbursal Authority at the Goa Industrial Development Corporation, Government of Goa is hereby directed to proportionally recover penalty to tune of Rs. 25,000/- jointly from both the officers named above on or before 20/05/2026 and submit compliance to that effect on 26/05/2026 at 11.00 a.m. through any authorised representative.
- d. The PIO, Shri. Sohan Uskaikar is hereby directed to forthwith take steps to reconstruct the said file pertaining to documents is desired by the Appellant/Complainant herein and complete the said exercise on or before 15/06/2026 and provide certified copies of the relevant documents of the Appellant/Complainant herein on the same day free of cost and record the proceedings of the same in writing and inscribe his signature upon completion of the same and also seek acknowledgment from the Appellant/Complainant herein. The said compliance report to be furnished by the PIO in person on 22/06/2026 at 11.00 a.m.
- e. Registry to issue Show Cause Notice to the PIO, Shri. Sohan Uskaikar seeking his response on why action should not be initiated for non-compliance of any of the directions above. The PIO shall remain present in person alongwith reply to the Show Cause Notice on 22/06/2026 at 11.00 a.m. failing which separate penalty proceedings shall be initiated forthwith.

f. The Managing Director of Goa Industrial Development Corporation is hereby directed to conduct a thorough inquiry against all the staff and officers relevant to this matter for not maintaining the records and fix the responsibilities in terms of Section 20(2) of RTI Act.

- 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