

GOA STATE INFORMATION COMMISSION
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Complaint No.44/2025/SIC

Shri. Bandhagit Nadaf,
No. 9, 3rd Floor, Paes Avenue Bldg,
F.L. Gomes Road, Vasco-da-Gama,
Goa-403802

..... **Complainant**

V/s

1.The Public Information Officer,
Accounts Taxation Officer,
O/o The Mormugoa Municipal Council,
Municipal Building, Vasco-Da-Gama, Goa 403802

2.The First Appellate Authority (FAA),
O/o The Mormugoa Municipal Council,
Vasco-Da-Gama, Goa 403802

.....**Opponents**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 13/05/2025
Disposed on: 12/03/2026

ORDER

1. The present complaint arises out of the Right to Information (RTI) application dated 17/02/2025 made by the Complainant herein, Shri. Bandhagit Nadaf and addressed to the Public Information Officer (PIO) at Office of the Mormugoa Municipal Council, Vasco-da-Gama, Goa.
2. Thereafter, citing the grounds that desired information has not been furnished by the PIO. The Complainant herein preferred the First Appeal before appropriate authority vide Complaint memo dated 27/03/2025.

3. Vide order dated 05/05/2025 the First Appellate Authority directed the Complainant to seek specific information and disposed off the First Appeal.
4. Aggrieved by this order, the Complainant herein preferred the present Complaint vide his memo dated 13/05/2025 before this Commission.
5. Notices were issued and the matter came up to be heard from 07/07/2025 onwards.
6. The PIO, Mrs. Poonam Naik was issued a notice dated 20/08/2025 on account of non-filing of reply to the Complaint memo.
7. Thereafter, the PIO filed the said reply on 04/11/2025 to which the Complainant filed his rejoinder on 27/01/2026.
8. Thereafter, the PIO filed written submission on 27/01/2026 and Complainant filed written submission on 12/02/2026.
9. It has been the fundamental contention of the Complainant herein that the PIO never issued any reply to his RTI application. However, the PIO has furnished a copy of reply dated 11/03/2025 allegedly issued by her to the Complainant herein.
10. The PIO filed affidavit and sur-rejoinder and annexed a copy of the book post register wherein the above mentioned communication was issued to the Complainant.
11. Upon perusal of Complaint memo, and all other material on record as well as upon hearing contentions of both the parties, this Commission is of considered opinion as under:
 - a. The Complainant herein has maintained consistent stand that the PIO has not issued him any information in response to his RTI application.

- b. The burden of proof in this regard lies on the PIO and the PIO has failed to substantially prove due postal service.
 - c. It is a settled matter that communications under RTI Act have to be necessarily issued by Registered A.D. or speed post, as the case may be and service through ordinary post cannot be accepted as a valid postal service.
 - d. Furthermore, mere issuance of a letter inviting the applicant to provide clarification cannot be considered as providing information and in this case the PIO has not even asked the applicant to meet her for providing such clarification and rather directed the Complainant herein to meet that very person in whose context the contents of the RTI application are aimed.
 - e. All these factors had to be necessarily considered by the FAA and a speaking order had to be passed. However, by way of passing a discrete, non-speaking order and not providing clear directions to the PIO, the FAA has left lot of scope for ambiguity and misinterpretation.
 - f. The conduct of the PIO as well as the FAA is questionable and against the spirit of the RTI Act, 2005.
12. Therefore, in view of the above the present Complaint is disposed with following orders:-
- a. The present Complaint is allowed.
 - b. For the reasons listed in foregoing paras the PIO, Mrs. Poonam Naik is found to have caused denial of information without any reasonable cause and also not furnished information within specified time in terms of Section 7 (1) of the RTI Act and as such attracted a penalty u/s 20(1) of the RTI Act to the tune of Rs. 25,000/-.

- c. The PIO, Mrs. Poonam Naik is hereby directed to forthwith re-access the RTI application of the Complainant herein on or before 06/04/2026 and provide all the relevant information to the Complainant herein free of cost by inviting the Complainant herein for a physical inspection of documents and provide him certified true copies thereof free of cost very same day. The PIO shall record minutes of proceedings in terms of this directions and take the signature of the Complainant herein acknowledgment of satisfactory completion of same.
- d. Registry to issue Show Cause Notice to the PIO, Mrs. Poonam Naik seeking her clarification as to why action should not be initiated further for non-compliance of directions under Section 20(1) & (2) of the RTI Act.
- e. The PIO, shall remain present in person alongwith reply to the Show Cause Notice as well as alongwith compliance report in respect to direction above on 13/04/2026.
- f. The Director, Directorate of Municipal Administration is hereby directed to ensure that the penalty amount is deducted from the salaries and allowances of Mrs. Poonam Naik and compliance report to that effect before this Commission through any authorised representative on 13/04/2026 at 11.00 a.m. and is further directed to ensure that the fess of Advocate engaged by the PIO shall not be paid from State exchequer, as the PIO has not furnished any order of the Government of Goa appointing the Advocate for the purpose of these proceedings.
- No order as to cost.
 - Parties to be provided authenticated copies of the 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