

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No. 245/2024/SCIC

Shri Sandeep V.K. Azrenkar,
A-7, Kurtarkar Classic,
Near Power House, Aquem,
Margao-Goa.

-----Appellant

V/s

1.The Public Information Officer,
Dy. Conservator of Forest,
South Goa Forest Division,
Margao-Goa.

2.The First Appellate Authority,
Conservator of Forest(Conservation),
Goa Van Bhavan, Forest Department,
Altinho, Panaji-Goa.

-----Respondents

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

Relevant Facts Emerging from the Appeal.

RTI application filed on	- 07-11-2023
PIO replied on	- 11-12-2023
First Appeal filed on	- 11-01-2024
First Appellate order on	- 07-11-2024
Second appeal received on	- 01-11-2024
First hearing held on	- 26-02-2025
Decision of the Second Appeal on	- 29-04-2025

Information sought and background of the Appeal.

1. Shri. Sandeep V.K. Azrenkar filed an application dated 07/11/2023 under RTI Act, 2005 to the A.P.I.O, Deputy Conservator of Forest, South Goa seeking the following information:
 - a) *Documents from Page No.95 to 148 of the File No.4 Reference No.1/Pvt. For/SG FDC/16-17.*
 - b) *Documents from Page No. 154 to 156, from 222 to 224 and Page No. 279 of the File No.4, Reference No.1/Pvt. For/SGFDC/16-17.*
 - c) *Documents from Page No. 510 to 536 of the File No. 2, Reference No.1/Pvt.For/SGFDC/12-13.*

2. The APIO (Assistant, Conservator of Forests, South Goa Division) vide letter dated 11/12/2023 replied as under:

"With reference to your application dated 08/11/2023 under RTI Act, 2005, it is to inform you that the concerned file is internal communication from the field/Sub-Committee to the Review Committee. Hence they are not public documents to be disclosed. However, the interior reports as approved by Review Committee is available at <https://forest.org.gov.in>. This issues with the approval of PIO."

3. Aggrieved by the reply of the APIO, Appellant filed first appeal dated 11/01/2024 before the First Appellate Authority (FAA) stating that in response to the RTI application, Appellant received a reply from the APIO dated 11/12/2023 refusing to provide the requested information stating that concerned files are *"internal communication from the field/Sub-Committee to the Review Committee hence they are not public documents to be disclosed"*. Appellant further submitted that an RTI application can only be denied on the ground specified in Section 8 and 9 of the RTI Act, and it has been consistently and clearly laid down by the Hon'ble Central/Information/Commission in numerous cases such as ***Suryamani Samal Vs PIO, Nalco CF. No. CIC/YA/A/2014/001003***. Appellant prayed before the FAA that the Respondent PIO be directed to provide the information expeditiously.

4. During the hearing in first appeal, Appellant submitted that prior to the filing of the RTI application dated 07/11/2023, Appellant carried out inspection of files at the office of the Deputy Conservator of Forests, South Goa on 03/11/2023 and consequently filed the RTI application on 07/11/2023 seeking specific information upon inspection.

After having heard the arguments of both the parties to the first appeal, FAA (Conservator of Forests) passed an order dated 02/08/2024 as under:

"As the part final reports as accepted and submitted to the Hon'ble NGT are already in public domain, the same may be accessed by the Appellant. Information sought by the Appellant relating to the Survey numbers already scrutinized and published under the part final reports of the Review Committee, be provided to the Appellant, free of cost."

5. Subsequently, Appellant approached the Commission with Second appeal dated 01/11/2024 stating that information sought has been arbitrarily and unlawfully denied by Respondent No. 1, on the grounds that information sought is internal communications which is not a ground for the denial of information under Section 8 and 9 of the RTI Act, 2005. Appellant further stated that FAA erred in considering reasons for denial of information beyond the original decision of the PIO. Appellant prayed for direction to the Respondent PIO to provide information as sought by the Appellant.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the present appeal, parties were notified fixing the hearing on 26/02/2025 for which Adv. Om A. D'Costa appeared on behalf of the Appellant and none present for Respondent and the matter was adjourned to 26/03/2025.

Appellant's Advocate appeared for the hearing held on 26/03/2025 and filed written submission dated 26/03/2025 for Appellant. None present for Respondents.

7. Notice issued to the Respondent No. 1 for physical presence on the next date of hearing. Accordingly, Respondent PIO (Shri. Santosh Kumar Reddy, IFS, Deputy Conservator of Forests) appeared in person for the hearing today i.e. 29/04/2025. Adv. Om A. D'Costa appeared on behalf of Appellant. Respondent PIO filed a written submission dated 29/04/2024 in which Respondent No. 1 stated that with reference to the Judgement and Order dated 02/08/2024 of the FAA, Appellant was requested, vide letter dated 28/08/2024, to approach the office of the Respondent PIO on any working days to collect the information as per the compliance of the above cited order of FAA.

DECISION

Considering the facts and circumstances, submissions placed by the Appellant as well as the Respondent No. 1 (PIO) and the materials available before the Commission in the present appeal, Commission decided to dispose off the present appeal with the following direction to the Respondent PIO :

“Furnish the information sought for by the Appellant vide his RTI application dated 07/11/2023, free of cost, within TEN DAYS from today i.e. 29/04/2025.”

- 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