

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal 09/SIC/2014

Shri Vaman V. P. Kapdi,
Resident of Sunder Peth,
Bicholim-Goa

.....Appellant

V/s
Public Information Officer,
The Chief Officer,
Bicholim Municipal Council,
Bicholim-Goa

.....Respondent

Appeal filed on: 29/01/2016

Decided on: 31/10/2016

ORDER

1. A brief facts of the case are that Appellant Vaman V. P. Kapadi through his application dated 12th August 2013 u/s 6(1) of the Right to Information Act (RTI) sought certain information at point No. 1 to 8 as stated therein in the said application from the Respondent PIO, Bicholim Municipal Council, Bicholim-Goa.
2. The Public Information Officer (PIO), Respondent replied to the said application on 28/08/2013 denying the said information on the ground that his application doesnot come under the purview of the RTI Act 2005.
3. Being aggrieved by the reply of the Respondent No. 1 PIO, the Appellant preferred the first appeal before the Director of Municipal Administration at Panjim being First Appellate Authority (FAA) on 25/09/2013 and the FAA by an order dated 8/11/2013 partly allowed the appeal.
4. Being aggrieved by the impugned order of First Appellate Authority (FAA) and also as no information was received by him despite of the order of First Appellate Authority, the Second appeal came to be filed before this Commission on 29/01/2014. In this Appeal the appellant prays for the directions as against PIO to furnish the information and for penal as well as for disciplinary proceedings. And also for modifying the order of FAA.
5. In pursuant to due notices, Respondent PIO was represented by Shri Prashant Narvekar. The Appellant was absent during all hearings despite of due service of notices.
6. During the hearing the representative of PIO submitted that due information has been furnished by them vide their letter dated 15/09/2016 and accordingly he filed compliance report enclosing the letter dated 15/09/2016 bearing the acknowledgement of the Appellant of having received the same on 16/09/2016.

7. Opportunity was granted to the Appellant to verify the information and to offer his say on the same. Since Appellant did not appear before this Commission no clarification could be sought from him. As such it was presumed that the appellant has got no any further grievance and that he was satisfied with the information furnished to him.
8. The record shows that the application under section 6(1) of RTI Act was promptly responded by the PIO. There was no time limit fixed by the FAA for providing the information. The Appellant failed to show malafide on the part of the PIO in delaying the information. On the contrary the Respondent PIO have shown their bonafied in furnishing the information and hence I am declined to grant the prayer for penalty.
9. Since information has been furnished to the Appellant nothing survives to be decided in the present Appeal and hence disposed accordingly.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Pronounced in the open court.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa