

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji –Goa.

CORAM: Shri Prashant S. P. Tendolkar
Chief Information Commissioner
Smt. Pratima K. Vernekar
State Information Commissioner

Appeal No. 195/SCIC/2010

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward No. 11,
Khorlim – Mapusa –Goa.
V/s

... Appellant

1. Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa.
2. The First Appellate Authority,
The Director of Municipal Admn.,
Panaji-Goa.

... Respondents

Filed on:18/08/2010

Decided on: 01/08/2016

- 1) The brief facts of the case are that the appellant, Shri J. P. Shetye vide his letter dated 19/04/2010 had sought information from Respondent No.1 PIO regarding their letter NO.EST/1704/2010 dated 29/03/2010 in respect of inquiry of fraud signature by V. G. Naik, Bank employee which was under process of investigation. The appellant had to sought all together 07 queries as regard to the said inquiry.
- 2) The respondent No.1 by letter dated 27/05/2010 provided the information to the appellant in a tabular form. Being not satisfied

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with the reply of the Respondent No.1, PIO, the appellant filed the first appeal on 02/06/2010 before the Directorate of Municipal Administration, being first appellate authority. After hearing both the parties the Respondent NO.2, FAA passed an order dated 01/07/2010 directing the Chief Officer to specifically reply to the query NO.7 within 10 days from the date of the order.

- 3) Since the order of Respondent No.2, FAA was not complied by the PIO within 10 days and being aggrieved by the action of the Respondent NO.1, PIO, the appellant came before this commission by way of 2nd appeal on 16/08/2010 with the prayer seeking direction to the Respondent NO.1 to provide the desired information immediately and for invoking section 20 (1) and 20(2) of the RTI Act.
- 4) On scrutiny of the file it is seen that the reply was filed by the PIO on 22/11/2010 informing this Commission that the required information was already furnished to the appellant by their letter dated 19/11/2010 bearing NO.EST/RTI/6536/2010.
- 5) After appointment of this Commission a fresh notice was issued to both the parties and after due service the matter was heard. During hearing appellant remained present in person and for Respondent No. 1 Shri Uday Salkar and R 2. Shri Vinay Agarwadekar appeared.

6) During the hearing on 10/03/2016 the appellant submitted before this Commission that after the order of FAA no information, as ordered by him, has been furnished. Accordingly PIO was directed to furnish the information at point NO.7 of the appellant application dated 19/04/2010 as ordered by the Respondent NO.2 FAA and the matter was fixed for compliance.

7) During subsequent two hearing appellant and Respondents remained absent and on 12/05/2016 the Respondent NO.2 represented by APIO Shri Vinay Agarwadekar filed reply enclosing a copy of their reply dated 27/05/2010 and 19/11/2010.

The Appellant also filed written arguments giving chronology of the events.

8) On 10/02/2016 appellant submitted that his submission of events chronologically filed on 12/05/2016 may be treated as arguments. The Respondents were given opportunity to file their argument in writing with advance copy to the appellant. In spite of which no written arguments were filed by the Respondent. Hence the matter being old, this Commission decided to consider the matter based on the evidence on records.

- 9) At the outset it is noticed that the submission of the appellant of the events chronologically filed on 12/05/2016 does not pertain to the RTI Application, dated 19/04/2010 and it speak about some other application of the appellant dated 27/04/2010 and he has made chronological event of the said application. As such it cannot be considered in the present appeal.
- 10) There is an inexcusable delay with the complying of the order of the FAA. On perusal of the order it is seen that matter was heard on 25/06/2010 and the Respondents were directed to submit a specific reply to the query NO.7 within 10days from the date of the order i.e. 25/06/2010.
- 11) On going to the application under section 6, dated 19/04/2010 and the respective reply given by the PIO dated 27/05/2010 in tabular form, it is seen that all the query Nos. 1 to 6 are answered and due information has been provided to them. Vide their reply dated 19/11/2010 it is seen that the query at sr. No.7 have been answered that the same was not entrusted to Mapusa Police department by Mapusa Municipal Council, however, the same will be handed to the Police department at Mapusa.
- 12) Thus the query No.(7) which was to be answered, has now been answered. No further information remains to be furnished.

13) The Appellant has failed to make out any case for invoking section 20 (1) or 20 (2) and hence we find no merits for grant of prayers.

In view of the above circumstances we find no merits in appeal and the same stands dismissed.

Parties to be intimated.

Pronounced in open proceedings.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa

Sd/-
(Pratima K. Vernekar)
State Information Commission
Goa State Information Commission,
Panaji-Goa