

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

**CORAM: Shri. Prashant S. P. Tendolkar**, State Chief Information  
Commissioner.

**Smt. Pratima K. Vernekar**, State Information Commissioner.

**Complaint No.22/SIC/2015**

Shri Jawaharlal T. Shetye,  
H. No.35/A, Ward No.11,  
Khorlim – Mapusa-Goa.  
V/s

... Complainant

The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa, Bardez –Goa.

... Respondent/Opponent

**Filed on: 01/09/2015**  
**Decided on:09/08/2016**

**FACTS:**

- a) Brief facts involved in this are that the complainant herein had filed three application u/s 6(1) of the Right to information Act(Act) one application dated 24/04/2015, and other two on 04/05/2015 before the Public Information Officer, the Chief Officer of Mapusa Municipal Council.
- b) Being not satisfied with the reply of the above three application he preferred three 2<sup>nd</sup> appeals before the Director of Urban Development , Panaji Goa being First Appellate Authority (FAA) which came to be registered file No.28/DMA/RTI/2015, file No.33/DMA/RTI-2015 and file No.36/DMA/RTI-2015.
- c) Respondent No.2, FAA by three distinct orders dated 15/05/2015, 28/05/2015 and 04/05/2015 disposed all the above appeals with a direction to furnish the information and to give the inspection.
- d) Since the information was not furnished to him within stipulated time by respondent No.1 inspite of the order of FAA, the Complainant filed the present common complaint for non compliance of the order passed by the

...2/-

FAA on his above stated RTI applications.

In this complaint he has sought direction to the Respondent No.1 PIO for furnishing correct information regarding the documents of the minutes of the DPC meeting etc. and for invoking penalty under section 20(1) and 2(2) against the PIO, Shri Raju Gawas for intentionally denying vital information.

e) Notices were duly issued to both the parties pursuant to the same the complainant appeared in person and Respondent No. 1 Shri Raju Gawas was present alongwith APIO, Shri Vinay Agarwadekar.

f) During the hearing the respondent/opponent No.1 PIO filed the reply alongwith the information on 05/04/2016 the same was tendered to the present complainant. And the arguments were heard.

**FINDINGS:**

g) We have considered the arguments and the documents on record. In the present complaint, the complainant has raised grievances, and has sought reliefs of penalty in respect of his three applications seeking information. We find no provision under the act to club multiple application for a common appeal. Act provides limitation for appeals as per the date of order passed and different cause of action arises for each RTI application and the order passed by the FAA.

h) On going through the records, it is seen that out of the three appeals filed before FAA, the orders of which are clubbed herein, one of the order was passed on 15<sup>th</sup> May 2015, the second one on 20<sup>th</sup> May 2015 and the third on 4<sup>th</sup> June 2015.

i) The complainant in this complaint, besides the prayer for penalty has also prayed for direction to furnish information such relief is akin to the relief to be sought in an appeal. Considering the limitation provided under

the Act, the reliefs sought herein in respect of the first two orders i.e. dated 15/05/2015 and 20/05/2015, for filing appeals, has expired as on the date of this complaint. It appears that the complainant has joined the order dated 4<sup>th</sup> June 2015 to the earlier orders and has filed this complaint. This has resulted in misjoinder of causes of action. Entertaining this complaint would result in trying the issue of a time bared relief. As an adjudicating forum, this Commission also cannot bifurcate the proceedings and try a part of it by discarding the part.

f) In the aforesaid circumstances, without expressing our views on merits of the complaint, we find that this composite complaint cannot be entertained. The same is therefore required to be disposed accordingly. Hence we pass the order as follows:

**O R D E R**

The Complaint stands dismissed.

Pronounced in the open proceedings.

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

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