

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

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Appeal No. 11/2017

Narayan D. Naik,  
H.No. 278/1(3),  
Sanvorfond, Sancoale-Goa

.....Appellant

**V/s.**

1. Mr. Deepesh N. Priolkar,  
Public Information Officer (PIO),  
Administrator of Comunidades,  
South Zone, Margao.

..... Respondents

**CORAM:**

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

**Filed on: 07/02/2017**

**Decided on: 21/09/2017**

**ORDER**

1. The facts in brief which arises in the present appeal are that the appellant Shri Narayan D. Naik by his application dated 30/09/2016 filed u/s 6 (1) of RTI Act ,2005 sought certain information on 25 points as stated therein in the said application from the PIO , Office of the Administrative of Comunidade South Goa at Margao. The said information was pertaining to Sancoale Comunidade for the period from 4/5/2016 till 30/9/2016.
2. According to the appellant his application dated 30/9/2016 was not responded by Respondent PIO as such the appellant then preferred first appeal on 10/11/2016 before the Additional Collector-I, South Goa District at Margao ,being first appellate authority and the First appellate authority by an order dated 6/12/2016 allowed the appeal of the appellant after hearing both the parties and directed Respondent PIO to furnish the information as sought by the appellant within 15 days from the receipt of the order.

3. It is the contention of the Appellant that despite of the order from the First appellate authority the PIO did not furnish him information as such, the Appellant was forced to approach this commission on 7/2/17 by way of present appeal filed under 19(3) of the RTI Act 2005 on the grounds raised in the memo of Appeal .
4. In pursuant to the notice of this commission , the appellant opted to remain absent. Respondent PIO Shri Dipesh Priolkar was present during some hearing. He was also represented by Shri Tukaram Gawade on some of the date of hearing.
5. Reply filed by Respondent PIO on 16/6/2017. Additional reply was also filed by him on 14/8/2017. Vide above replies the Respondent PIO has contended that information at point No. 1 to 20 was furnished to the appellant on 27/4/2017 in appeal No. 295/SCIC/2016. A copy bearing the acknowledgment of the appellant on the reply dated 24/4/2017 filed in appeal No. 295/SCIC/2016 was also enclosed to the additional reply by the Respondent PIO.

It is also further contended by the Respondent that he was not able to furnish the information earlier as whatever correspondence /complaint, Petition etc. received by the concerned Department relating to Sancoal Comunidade were forwarded to the said comunidade and the copy of the same was not retained by the office of Administrator but only an entry on outward registered was kept as record.

While additional reply, the Respondent PIO have clearly answered the queries of the appellant with regards to point 21 to point 25.

6. The copy of the above reply could not be furnished to the appellant on account of his continuous absent.
7. I have perused the records available in the file so also considered the replies filed by the Respondent PIO.

8. As it was contention of the Respondent PIO that Information at point No. 1 to 20 have been furnished in appeal No. 295/SCIC/2016 and as no any documents were submitted in support in his contention this commission decided to call for the file in appeal No. 295/SCIC/2016 in order to verify the application filed case u/s 6(1) of RTI Act in the said case .
9. On perusal of the said application dated 4/5/2016 filed in appeal No. 295/SCIC/2016 vis-à-vis the application dated 30/9/2016 filed in the present appeal, it is seen that appellant in said case has sought information pertains to the period from January 2013 to 4 may 2016 whereas in the present appeal the appellant has sought for information pertaining to period 4/5/2016 till 30/09/2016. On perusal of both the applications it could be gathered that The appellant have sought the same information i.e same queries have been asked by the appellant but for a different period. Even assuming the stand of the PIO that the information is furnished, it might be pertaining to the period before 4/5/2016. What the applicant has sought in present appeal is from period 4/5/2016 till 30/09/2016. The Information which they claimed to have be furnished to appellant was also not available in file of appeal 295/SCIC/2016 since there is nothing on record to show that the information furnished to the appellant was till 30/9/2016, it is not appropriate on the part of this commission to presume and believe that information till 30/9/2016 have been furnished by PIO .

With regards to point No. 21 to 25 vide additional reply, clearly provided /answered the queries of the appellant as such I am of the opinion that no intervention of this commission is required at point No. 21 to 25.

10. There is no cogent and convincing evidence brought on record by the appellant establishing malafide intention on the part of the PIO as required under the ratio laid down by the Apex Court in case of Shri A. A. Parulekar V/s Goa State Information Commission and

others (Writ Petition No. 205/2007). On a contrary the Respondent PIO had submitted that since the copies of the information was not available with them, they had sought the same from the Escirao of Sancoal Comunidade and have furnished the same in appeal No. 295/SCIC/2016. As such the prayer of penalty and prayer 3 for compensation cannot be granted.

11. However before parting, it is hereby observed that PIO have not replied/ responded to the application of the appellant as was required u/s 7 nor provided him the information within time stipulated in the order passed by the First appellate authority dated 6/12/2016. The conduct on the part of the Respondent PIO is condemnable and against the spirit of the RTI Act .
12. If the correct and timely information was provided to the Appellant, it would have saved valuable time and the hardship caused to him in pursuing the said Appeal before the different Authorities. It is quite obvious that the Appellant has suffered lot of harassment and mental torture and agony in seeking information under the RTI Act which is denied to him till this date. If the PIO had given prompt and correct information such harassment and detriment could have been avoided. However as there is nothing brought on record by the appellant that the lapses on the part of the PIO is persistence, a lenient view is taken in the present matter.

In the above given circumstances following order is passed.

#### Order

- 1.The Respondent PIO is here by directed to provide the information as sought by the appellant vide his application dated 30/9/2016 with respect to point NO. 1 to 20 within 15 days from the receipt of this order .
- 2.The Respondent PIO is hereby directed to strictly comply with the provisions of the RTI Act henceforth and any further/future lapses on the part of the PIO will be viewed seriously.

Proceeding stands closed.

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 under the Right to Information Act 2005.

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

