

GOA STATE INFORMATION COMMISSION

Seventh Floor, Kamat Towers, Patto, Panaji – Goa.

Appeal No. 42/2017

Shri Amar Hadfadkar
H.No. 36, Golnawada,
Pomburpa, Bardez Goa.

.....Appellant

V/s

1. The Public Information Officer,
Village Panchayat Penha De Franca,
Bardez Goa.

2. First Appellate Authority,
The Block Development Officer-I,
Mapusa Bardez Goa.

.....Respondents

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

Filed on : 17/04/2017
Decided on: 13/12/2017

ORDER

1. The brief facts leading to present appeal are as under:-
2. That the appellant Shri Amar Hadfadkar in exercise of his Right u/s 6(1) of Right to Information Act, by an application dated 27/10/2016 had sought information on 9 points pertaining to the works executed, resolution taken. Licenses granted etc. during the tenure of Mr. Rajesh Volvoikar as Panch Member, from Respondent No. 1 the PIO of Village Panchayat Penha the France.
3. According to the appellant his application dated 27/10/2016 was not responded by the Respondent No. 1 PIO within the prescribed time limit as such he filed first appeal before the Respondent No. 2 herein on 16/12/2016.

4. The Respondent no. 2 first appellate authority by an order dated 14/2/2017 asked the appellant to inspect the records available in the office of the respondent with prior appointment and thereafter obtained the certified copies of the required documents as available in the office of the Respondent upon payment of fees
5. As Respondent No. 1 PIO failed to provide him the information as such being aggrieved by the action of Respondents No. 1 and 2, the appellant has approached this Commission on 13/4/2017 by way of 2nd Appeal filed u/s 19(3) of the RTI Act, 2005.
6. Notices were issued to the parties. In pursuant to the notice of this Commission, appellant was represented by Advocate A. Borkar. Respondent No. 1 was represented by Advocate D. Bhomkar and on behalf of Respondent No. 2 Shri Subhash Faterpekar appeared.
7. In the course of the present proceedings, the Advocate for the respondent volunteered to give the inspection of the files pertaining to the information and also showed his willingness to furnish the available information. The Advocate for the appellant also agreed to carry out the inspection and to identify the documents which are required by her.
8. On a subsequent date of hearing the advocate for the appellant submitted that the inspection was carried out by them and they have identified the documents. Accordingly the information came to be furnished to the appellant on 13/12/2017. The advocate for the appellant then submitted that the information which is furnished to the appellant is as per his requirement and to his satisfaction. However she submitted that information at point No. 1 and 9 is not furnished to appellant. The Advocate for Respondent agreed to furnish the said information to the

appellant. Accordingly she endorsed her say on memo of appeal.

9. I have scrutinize the records available in the file also considered the argument /submission made on behalf of both the parties. Apparently there is a delay in furnishing the information. If the correct and timely information provided to appellant it would have saved valuable time and hardship caused to him in pursuing the said appeal before the different authorities . It is quit obvious that appellant has suffered lots of harassment and mental torture and agony in seeking information under the RTI Act. If PIO had given prompt and correct information such harassment and detriment could have been avoided.
10. However, as there is nothing on record to show that such lapses on part of PIO are persistent, a lenient is taken in the present proceedings and the PIO is hereby directed to be vigilant henceforth while dealing with the RTI matters and any such lapses in future will be viewed seriously.
11. In the above given circumstances, I feel ends of justice will meet with following order

Order

The respondent No. 1 PIO is hereby directed to furnish the information as sought by the appellant at serial No. 1 and 9 of his application dated 27/10/2016 within three weeks from the date of the receipt of the order.

Appeal disposed accordingly. Proceedings stands closed

Notify the parties.

Pronounced in the open court.

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.

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