

**GOA STATE INFORMATION COMMISSION**

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

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

**Appeal No. 58/2017**

**Ramesh S. Kerkar,  
Behind Laxmi Narayan Temple,  
Muddavadi, Saligao,  
Bardez-Goa -403511  
V/s**

.....Appellant

1. The First Appellate Authority (FAA),  
SSW, PWD, Altinho, Panaji- Goa..
2. The State Public Information Officer (PIO),  
The Executive Engineer, W.D.XVII,  
PWD, Alto-Porvorim-Goa.
3. The Assistant State Public Information Officer  
The Assistant Engineer, SDII, WD XVII,  
P.W.D., Mapusa –Goa.

..Respondents

**Filed on : 5/05/2017  
Decided on: 6/11/2017**

1. The appellant Shri Ramesh S. kerkar, has filed a present appeal praying that the Respondent 2 & 3 be directed to furnish the information sought by him by his application, dated 14/2/2017 and also for invoking penal provision as against Respondent No. 2 and Respondent No. 3
2. The brief facts leading to present appeal are as under:-
3. That the appellant by application dated 14/2/17 sought copies of NOCs issued by

the Village Panchayat Saligao and water connection bill of Mr. Ravindra S. Kerkar and Rupa R. Kerkar so also the copies of all documents such as affidavit, undertaking etc from the Respondent No. 2 Public Information Officer (PIO) of PWD, Porvorim Goa. The said information was sought was in exercise of his right u/s 6(1) of The Right to Information Act, 2005.

4. Respondent No. 2 PIO then by an letter dated 6/3/2017 requested the Asst. Engineer of Mapusa Division II to provide him the said information in order to furnish the same to the appellant.
5. The Respondent NO. 3 then vide letter dated 14/3/2017 called upon the appellant to carry out the inspection on 21/3/2017 at 4.00 p.m.
6. Being not satisfied with the said response of Respondent No. 3 and since Respondent no. 2 did not reply to his application nor furnish him any information, as such he preferred first appeal u/s 19(1) of Right to Information Act, 2005 with Respondent No. 1 herein and the Respondent No.1 by an order date 17/4/2017 disposed the said appeal

with a direction to Respondent no 2 to furnish the desire information to the Appellant through SPIO, free of cost, within 10 days from the receipt of the order.

7. According to the appellant despite of the order from the Respondent No. 1 First Appellate Authority, Respondent No. 2 and 3 failed to provide him the information as such being aggrieved by the action of Respondents No. 2 and 3, the appellant has approached this Commission by way of 2<sup>nd</sup> Appeal filed u/s 19(3) of the RTI Act, 2005.
8. Notices were issued to the parties. In pursuant to the notice of this Commission, appellant was present in person. Respondent No. 1 was absent Respondent No. 2 Madhavrao Chawan and Respondent No. 3 Shri Vilas Tamaskar were present .
9. Respondent No. 2 PIO filed his reply on 25/10/2017 thereby resisting the appeal. No reply came to be filed by Respondent no. 1 and 3.
10. In the course of the present proceedings, the six files pertaining to the information was submitted to the appellant and he was

directed to verify the said information. Accordingly on subsequent date of hearing the appellant submitted that he had received the information to his satisfaction . However he submitted that there is delay in furnishing the said information and the said delay was intentional with malafides motive on the part of Respondent No. 3.

11. The Respondent no. 2 PIO submitted that he was not the custodian of the said information and it was held by the Respondent No. 3. He submitted that vide letter dated 6/3/2017 and 15/3/2017 he has requested to Respondent no. 3 to furnish the said information and on receipt of the same was furnished to the appellant vide letter dated 12/4/2017. It is the contention of Respondent NO. 2 that the delay is on account of Respondent No. 3.

12. The Appellant also did not dispute that the Respondent No. 3 was the custodian of the said information. However it was his grievance that Respondent No. 2 did not take appropriate action as against Respondent No. 3 under CCS conduct Rules for causing delay and obstructing to impart the information. The appellant then

submitted that considering that it is a first lapse on the part of respondent NO. 2, he will not press for penalty. Accordingly he endorsed his say on memo of appeal .

13. 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 .

14. 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. The Respondent No. 3 is also hereby admonished and directed to be vigilant henceforth as

such conduct of Respondent NO. 3 is obstructing transparency and accountability in public authority is against the mandate of RTI Act and as such is condemnable.

15. Since the information is now furnished to the appellant as per his requirement and since the appellant have graciously waived a prayer of penal action, I find no reasons to proceed with the matter.

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

