

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

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Shri. Prashant S. P. Tendolkar ,  
State Chief Information Commissioner

**Appeal No. 177/SCIC/2017**

Shri Jawaharlal T. Shetye,  
H. No.35/A Ward No.11,  
Khorlim Mapusa –Goa.  
Pin 403507

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Appellant

V/S

- 1) The Public Information Officer,  
The Mamlatdar of Bardez,  
Mapusa , Bardez-Goa.
- 2) The First Appellate Authority,  
The Dy. Collector & SDO Bardez,  
Office at Mapusa,  
Bardez-Goa.

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Respondents.

Filed on:03/11/2017

Disposed on:04/04/2018

**1) FACTS IN BRIEF:**

- a) The appellant herein by his application, dated 24/07/2017 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1 PIO under several points therein.
- b) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent NO.2, being the First Appellate Authority (FAA)
- c) According to appellant FAA failed to decide the appeal within time, and hence the appellant has landed before this Commission in this second appeal u/s 19(3) of the act.
- d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 04/01/2018 filed a reply to the appeal.

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e) In spite of several opportunities, the PIO failed to appear in person. No written submissions were filed in spite of opportunity. Hence the matter was taken up for disposal based on the records.

**FINDINGS:**

a) I have perused the records. The appellant by his application dated 24/7/2017 has sought some information from the PIO. Under section 7(1) the said application was required to be responded within 30 days from the date of receipt of said application. Such date fell due on 25/08/2017 being the thirtieth day. It is the contention of the appellant that the said application was not responded to by the PIO.

b) Though the PIO has filed the reply, to this appeal this allegation of appellant are not disputed. In the reply filed by the PIO he has furnished the purported information and has prayed that as the information is furnished the appeal be dismissed. The question of non responding of the application filed under section 6(1) within time is thus unanswered.

c) In the present case the PIO has filed the purported information the appellant has not disputed the same. In the circumstances I hold the information as sought, is received by the appellant and hence the relief at para (1) of the appeal has become redundant.

d) Coming to the relief (2) (3) and (4), I find that the appellant has delayed the information. In spite of several opportunities the PIO has remained absent. In the circumstance prima facie I find that this is a fit case for imposition of penalty as contemplated under section 20(1) and /or 20(2) of the act as also to consider

the claim for compensation under section 19(a) (b) of the act. However before invoking my rights I find it necessary to grant an opportunity to the PIO to offer his explanation for delay in responding to the application u/s 6(1) In the above circumstances I proceed to dispose the above appeal with the following order:

**O R D E R**

Appeal is allowed. Issue notice to PIO officiating as on 24/07/2017 to show cause as to why action as contemplated under section 20(1) and/or 20(2) of the Right to Information Act 2005 should not be initiated against him.

Issue notice to office of Mamlatdar Bardez through Mamlatdar, to show cause as to why compensation as contemplated u/s 19(8) (b) of the RTI Act should not be ordered against it, to be paid to appellant.

In case the then PIO is transferred. The notice to him shall be served by present PIO, Mamlatdar of Bardez at his place of posting and produce the acknowledgment of service on the next date of hearing.

The then PIO and office of Mamlatdar Bardez, shall file their reply in writing on 27/04/2018 at 10.30 am.

**Sd/-**

**(Mr. Prashant S. P. Tendolkar)**

State Chief Information commissioner  
Goa State Information Commission  
Panaji-Goa