

GOA STATE INFORMATION COMMISSION

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

Appeal No. 218/SIC/2010

CORAM : Prashant S. Prabhu Tendolkar
 State Chief Information Commissioner

Nishant G. Sawant,
 Mahalaxmi Bandora,
 Ponda - Goa.

..... **Appellant**

V/s

1. The State Public Information officer

The Executive Engineer,
 W.D. XVI (BC) P.W.D.
 Ponda – Goa.

2. The First Appellate Authority/S.S.W.

P.W.D. Altinho,
 Panaji – Goa.

..... **Respondents**

Filed on : 21/09/2010
Disposed on : 10/04/2017

1) FACTS IN BRIEF:

- a) The Appellant herein by his application dated 29/03/2010 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under several points therein.
- b) According to Appellant as per his averments in appeal memo said application was not responded to by the PIO within time as mandated u/s 7(1)(a) and 7(3) and as such deeming the same as refusal Appellant filed first appeal to the Respondent No.2 on 20/05/2010.
- c) The First Appellate Authority (FAA) by order, dated 30/06/2010, directed PIO to furnish the information, within fifteen days from the date of receipt of said order.

- d) The Appellant has landed before this Commission in this second appeal u/s 19(3) of the Act.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 06/12/2010 had filed a reply to the appeal. The same was replied by the appellant on 7/3/2017. Arguments were heard.

2) FINDINGS

- a) I have perused the records as also the pleadings of parties as contained in the appeal memo and the reply filed by PIO on 06/12/2010.
- b) The PIO vide his reply, dated 06/12/2010 has filed on record the copy of office letter, dated 19/04/2010 in response to appellants' several applications, including the one dated 29/03/2010. Vide said letter, the PIO had asked the Appellant to inspect the file. Copy of said letter Said letter is filed on records.

The Appellant in his appeal memo nor in his submissions has referred to the said letter.

- c) After the order of FAA, dated 30/06/2010, the PIO by letter, dated 09/07/2010 called upon the Appellant to attend the office and to collect the certified copies of documents on or before 15/7/2010. Copy of said letter is found placed in the file.
- d) In the appeal memo filed before this Commission on 21/09/2010, the Appellant is also silent on this letter. The Appellant has also not disputed the said letter in his submissions. The appellant has annexed the copy of the said letter now only in reply filed by him on 7/3/2017.
- e) Considering the above, I find that the Appellant has not approached the Commission with clean hands.
- f) Be that as it may, it is seen from the records that by order dated 30/06/2010, the PIO is directed to furnish to the Appellant the

information as sought. It is now the contention of appellant in his reply filed on 7/3/17 that he approached the PIO on 15/7/2010 but said documents were not furnished. To this the PIO has the say that in view of the failure of appellant to collect the documents, the same were posted to him on 28/7/2010 but were returned unclaimed. Copy of the said postal envelop purportedly containing the information with postal endorsement is filed on record. Such a gesture of PIO makes me conclude that the information as was ordered was offered. Consequently no malafide could be implied to the PIO.

- h) Considering the above facts and circumstances I find that the ends of justice shall be met by the following :

ORDER

Appeal is dismissed and the Order of the First Appellate Authority dated 30/06/2010 is upheld. However the time for furnishing the information is extended up to a period of fifteen days from the date of receipt of this order by Appellant and the PIO shall furnish to the appellant the information as was sought to be dispatched by him vide his letter, no. PWD/DIV.XVII (BC)/Accts/F.RTI/2010-11/516, dated 28/7/2010, free of cost.

Order be communicated to the parties.

Proceedings closed.

Sd/-

Shri Prashant S. Prabhu Tendolkar
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa