

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

Appeal No.215/SIC/2010

CORAM : Prashant S. Prabhu Tendolkar

State Chief Information Commissioner

Nishant Gurudas Sawant

H.No. 1188,
Mahalaxmi Bandora,
Ponda – Goa.

..... **Appellant**

V/s

1) State Public Information Officer,
Exe. Engr., SPIO, WD.XVI (BC) PWD
Ponda – Goa.

2) FAA/ S.S.W., PWD, Altinho,
The Suptdg. Surveyor of Works
Public Works Department,
Altinho, Panaji - Goa

..... **Respondents**

Filed on : 21/09/2010
Decided on: 17/03/2017

1) Facts :

- a) The Appellant herein by his application, dated 30/03/2010 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) The said application was replied on 19/04/2010, calling upon the Appellant to inspect records in connection with said application as also for eight other applications filed him. However without

referring to said reply according to Appellant the information as sought was not furnished and hence the appellant filed first appeal to the Respondent No. 2.(FAA)

- c) The First Appellate Authority by order, dated 30/06/2010, allowed the said appeal and directed PIO to furnish the information and also provide inspection.
- d) By letter dated 12/07/2010, PIO requested Appellant to collect information, but according to the Appellant on going there on 15/07/2010, information was not furnished.
- e) The Appellant has therefore landed before this Commission in this second appeal u/s 19(3)of the Act.
- f) The parties were notified, pursuant to which they appeared. After 25/04/2011 no hearing took place and hence fresh notices were issued to parties.
- g) On 03/03/2017, the PIO filed his reply. The Appellant filed his written submission.

2) Findings

- a) I have perused the records. I have also considered the written submission of the Appellant and the reply filed the Respondent. The application dated 30/03/2010 filed by Appellant was responded on 19/04/2010 calling the Appellant to inspect the records pertaining to this application as also other eight applications filed by the Appellant. The Appellant has not whispered of having received said letter, dated 19/04/2010 in his appeal memo. It is contention of the Appellant that the information as was sought was not furnished within time by the PIO.
- b) The appellant under the garb of having not received the information has filed first appeal. Even in the course of his submissions before the FAA he has not referred to said letter dated 19/04/2010 sent by the PIO for inspection.

c) Vide reply of the PIO filed in this appeal it is the contention of PIO that the application under Section 6 (1) of the Act, dated 30/03/2010 was responded on 19/04/2010 by calling the Appellant for inspection. This is supported by copy of the said letter dated 19/04/2010. In spite of the same the Appellant did not attend to inspect the said records but preferred to appeal against the same before FAA.

d) The FAA while disposing the appeal also gave a direction to PIO to furnish the information within 15 days from the date of order. In compliance of said order the PIO by letter dated 12/07/2010 called upon the Appellant for collecting the information and admittedly as per the contention of both the parties the PIO was not present on 15/07/2010 when the Appellant approached the PIO.

In View of the non availability of PIO on 15/07/2010 when the Appellant had gone to collect the information, the PIO had sent the said information to the Appellant on 28/07/2010 by post. According to PIO the envelope containing the information was returned as 'unclaimed'. This is supported by the PIO by producing the copy of envelop containing the postal endorsement.

e) In the aforesaid, circumstances I find no substances in appeal as the information was sought was already offered by the PIO to the Appellant on 28/07/2010 i.e. much prior to filing of this appeal on 21/09/2010, but was not claimed.

f) It is the submission of the Appellant in the written submission that though such copy of the envelop is said to have been sent by post it is not done so. Such an apprehension can be redressed by calling upon the PIO to produce the said envelop purportedly containing information before this Commission.

g) In the aforesaid circumstances I proceed to dispose the present appeal with following.

ORDER

PIO is directed to deposit in this Commission in the present appeal the unclaimed envelop containing the information purportedly dispatched to the Appellant on 29/07/2010 within fifteen days from the date of receipt of this order by it under intimation of such deposit to Appellant. Liberty is granted to Appellant to collect the said envelop within fifteen days from the date of such deposit. Order to be communicated to the parties. Proceedings closed.

Sd/-

(Prashant S. Prabhu Tendolkar)

State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa

