

GOA STATE INFORMATION COMMISSION

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

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

Appeal No. 40/SCIC/2016

Shri Jawaharlal T. Shetye,
H. No.35, Ward No.11,
Khorlim Mapusa –Goa.

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Appellant

V/s

- 1) The Public Information Officer,
The Main Engineer, (Mr. Hussein Muzawar),
Mapusa Municipal Council,
Mapusa –Goa.
- 2) The First Appellate Authority,
The Chief Officer (Mr. Raju Gawas),
Mapusa Municipal Council,
Mapusa-Goa.

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Respondents.

Filed on: 03/03/2016

Decided on:26/07/2017

ORDER

1) FACTS:

a) The appellant herein by his application, dated 02/12/2015 filed u/s 6(1) of the Right to Information act 2005(Act) sought certain information from the Respondent No.1, PIO pertaining to the details of 29 business establishments.

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.

c) The First Appellate Authority failed to dispose the said appeal within time stipulated and hence deeming same as disposed the

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appellant has approached 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 07/04/2017 filed a reply to the appeal copy of which is given to the appellant. Alongwith the said reply the PIO has filed copy of the letter dated 05/04/2017 furnishing the information to the appellant as sought vide his application dated 02/12/2015 as also office orders, dated 10/05/2013.

e) In spite of granting opportunity to the appellant, he remained absent. Appellant has also not filed any reply in counter nor any further submissions are filed.

2) FINDINGS

a) I have perused the reply dated 07/04/2017 as also the enclosures thereto. I have also perused the application filed by appellant u/s 6(1) of the act. By reply dated 05/04/2017 the PIO has furnished the information.

On going through the application u/s 6(1) of the Act, it is seen that the appellant has sought details of licences, names of present occupiers of premises, sign boards licences, Nocs for water and electricity, details of shops and establishment and registration certificates issued by Labour Commissioner, VAT, TIN registration, clearances of fire fighting equipments as also service of any nature provided by Mapusa Municipal Council and also the NOC issued to Kadamba Transport Corporation and GSIDC etc. pertaining to 29 establishment/shops.

d) As per the time schedule under the act the said application was to be responded on or before 05/01/2016. However it is found that the appellant on 06/01/2016 filed the first appeal.

Considering the information as was sought by appellant, it was voluminous and hence one cannot expect the PIO to furnish the voluminous information in the said period of thirty days. The appellant, without considering the above situation mechanically filed the first appeal, due to which the issue was transferred to the FAA and the PIO had no further say vis a vis the appellant.

e) The Hon'ble High Court of Haryana in the case of **Dalbir Singh V/s Chief Information Commissioner (C.W.P. 18694 of 2011)** in case of bulky information has observed.

“There appears to be no justification to deny the information on this ground. Suffice it to mention that if the records are bulky or compilation of the information is likely to take some time, the Information Officer might be well within his right to seek extension of time in supply the said information, expenses for which are obviously to be borne by the petitioner.”

f) It is the grievance of appellant that the FAA authority failed to dispose the appeal within the stipulated period of 45 days. From the records it appears so. However the same has not effected the right of appellant as non deciding of first appeal has resulted in deemed rejection and the appellant has approached this Commission On 03/03/2016 by second appeal.

g) The PIO, in addition to the above reason of voluminous information, has also stated that he was holding additional charge of Bicholim Municipal Council and that additional duties were assigned to him. This statement is supported by the office orders issued by the office.

h) Section 7(1) of the act grants 30 days to the PIO to respond to the application u/s 6(1) of the act. This period of 30 days

should be the clear period of thirty days. With the PIO holding additional charge of other municipality he cannot be held to devote his full time to the respondent Authority herein. Moreover, the information being bulky, the delay in furnishing the information cannot be solely attributable to PIO. Hence I am of the opinion that the rule of thirty days in responding to the application, cannot be applied mechanically in this case. The delay cannot be held as deliberate or intentional.

i) Considering the above circumstances, though I find that there are no grounds to deny information, I find that the grounds made out by PIO for delay in furnishing information are probable and hence acceptable. Thus I find no grounds to allow this appeal as the information has been furnished, and the delay in furnishing the information has been sufficiently explained. I therefore proceed to dispose of the above appeal with the following:

O R D E R

The appeal stands dismissed as the relief in terms of prayer (ii) does not survive now. The relief in terms of prayer (i), (iii) and iv) are dismissed as the PIO has made out grounds, sufficient to condone the delay in furnishing information.

Proceedings closed.

Notify parties.

Pronounced in the open proceeding.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa