

GOA STATE INFORMATION COMMISSION

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

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

Appeal No. 56/SCIC/2016

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

V/s

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

Appeal No.57/SCIC/2016

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

Filed on 29/03/2016

Decided on:26/07/2017

O R D E R

- 1) By this common order I am disposing the above appeals of
the appellant.

...2/-

2) Though the dates of filing application u/s 6(1) are different in both the above appeals, the facts and circumstances under which these appeals are filed and the relief sought is identical and hence are disposed by this common order:

3) In the first appeal i.e. Appeal NO.56/SCIC/2016, the appellant had filed application u/s 6(1) of the Right to Information Act (Act) on 30/12/2015 inwards on 04/01/2016 in the office of PIO. According to him the said application was not responded within time and hence he filed first appeal to First Appellate Authority (FAA). The FAA failed to dispose the appeal within 45 days and hence deeming the same as decided, the appellant has filed this second appeal.

The PIO, as per his reply, dated 21/04/2017 has submitted that the information as was sought has been furnished to appellant on 16/03/2016 which is prior to filing of this second appeal.

4) In the second appeal No. 57/SCIC/2016, the appellant had filed his application u/s 6(1) of the Act on 28/12/2015, inwards on 29/12/2015. The same was not responded by PIO within time stipulated and hence deeming the same as rejected the appellant has filed appeal to FAA. The FAA, failed to decide the same within time and hence considering the same as decided, the appellant has approached this Commission in second appeal.

The PIO as per his reply, dated 03/03/2017 has submitted that the sought information has been furnished to appellant on 07/03/2016, prior to filing of this second appeal.

5) The appellant has not filed any counter statement in rebuttal. Hence, I hold that the information as sought is furnished to him. After filing of first appeal and before this second appeal as contended by PIO.

...3/-

6) The appellant has sought for penalty as contemplated u/s 20(1) and 20(2). He has also sought for compensation.

7) I have considered the proceedings and the reply filed by PIO. The act required PIO to respond to the application u/s 6(1) within 30 days. In this case the PIO has failed to do the same. The reason given by PIO in his reply is that he was holding additional charge of Bicholim Municipal Council. He was also given additional duties of the Executive Engineer. Hence he could not get sufficient time to respond the application. In support of his contentions the relevant orders are filed on record. It is also further contention of PIO that the work of shifting of the premises was going on and hence the records were also out of order.

9) The appellant has not contradicted the said statement. On the contrary by memo, dated 10/03/2017 he alongwith the PIO has submitted that they are intending to resolve the issue amicably.

10) I have perused the records. Firstly, the information as sought for, is furnished after certain delay. The delay is explained by PIO by supporting documents. It is also seen that in the applications filed in both the appeals, the information sought was voluminous, hence delay if any cannot be said to be deliberate.

Though section 7(1) provides 30 days for dispensation of information, such period should be clear period. With additional charge, the PIO cannot be held to have same days as he has to share part of his official time for other work. In the circumstances the delay if any cannot be held to be deliberate or intentional.

11) Considering the above circumstances I find no grounds to impose penalty on the PIO as the explanation submitted by him is probable and acceptable.

In view of the above I find no merits in the appeal and consequently the same are dismissed.

Notify the parties.

Proceedings closed.

Pronounced in the open proceedings.

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