

GOA STATE INFORMATION COMMISSION

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

Appeal No. 58/SCIC/2016

CORAM : Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner
Smt. Pratima K.Vernekar,
State Information Commissioner

Mr. Sudesh P. Tivrekar,
H.No.198, Ward No.14,
Kasarvaddo, Khorlim,
Mapusa-Goa.

..... Appellant

V/s

- 1) The Public Information Officer,
The Main Eng. Grade I(Hussain Shah Muzawar)
Mapusa Municipal Council,
Mapusa-Goa.
- 2) The First Appellate Authority,
The Chief Officer (Shri Raju Gawas) ,
Mapusa Municipal Council,
Mapusa-Goa.

..... Respondents

Filed on : 31/3/2016

Disposed on: 16/2/2017

1) FACTS:

- a) The appellant herein by his application, dated 22/12/2015 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 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) As the FAA failed to dispose the first appeal within the prescribed time the appellant has landed before this commission in this second appeal u/s 19(3) of the act.

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d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 19/7/2016 file a memo stating that the information as sought shall be furnished. Accordingly on 16/8/2016 the PIO filed another application intimating that the information is accordingly furnished on 22/7/2016. The appellant by his memo confirmed that the information is furnished but that the same is either incomplete, misleading or false.

2. FINDINGS:

a. We have considered the records and the submissions of the appellant. On scrutiny of the application u/s 6(1) of the act vis a vis the information as submitted it is found that at point no.1 the appellant has asked for action taken on the representation, dated 5/1/2015. The same is answered as YES. No details as per the records of the Municipality of the action actually taken is given . This we find is missing. Rest of the points are answered, though according to the appellant the same are either incomplete, false, misleading etc.

b. On further perusal of the records it is found that the original application u/s 6(1) was filed on 22/12/2015. The information is furnished only on 22/7/2016 in this second appeal. The said application, dated 22/12/2015 is not found to have been responded by the PIO initially within the time stipulated. Though the PIO has filed a reply to the appeal and furnished the information, the grounds of delay in not furnishing the information are not substantiated. Such lapse calls for a penalty on the part of PIO u/s20(1) and 20(2) of the act. However an opportunity has to be granted before imposing such penalty.

c. Considering the above set of facts we dispose the present appeal with the following:

O R D E R

i) The PIO is hereby directed to furnish to the appellant the details of the action taken on the representation letter, dated 5/1/2015 as it exist in the records of the Municipality.

- ii) The PIO is hereby directed to show cause as to why action as contemplated u/s 20(1) and/or (2) should not be initiated against him for not responding the application filed by the appellant u/s 6(1) of The Right to Information Act 2005, within the time stipulated u/s 7(1).
- iii) Appellant to lead inquiry and prove that the information as furnished to him is false, misleading, incomplete etc.

Matter posted for reply to show cause and also inquiry on 3/3/2017 at 10.30 a.m.

Appeal disposed accordingly.

Parties to be notified.

Pronounced in the open hearing.

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

Sd/-
(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji-Goa