

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No. 175/2017/SCIC

Prakash R. Naik,
H. No.67, Near Old GMC,
Ribandar –Goa 403006.

.... Appellant.

V/s

1) The Public Information Officer,
Dy. Commissioner,
Corporation of City of Panaji –Goa.

2) The First Appellate Authority,
Commissioner,
Corporation of City of Panaji –Goa.

..... Respondent.

Filed On: 20/10/2017
Decided On: 31/10/2018

1) Facts in Brief:

- a) The appellant herein by his application, dated 21/04/2017 filed u/s 6(1) of the Right to Information Act 2005 (Act for short) sought information from the respondent no.1, PIO in the form of inspection and action taken on his communication, dated 04th April 2017.
- b) The said application was replied on 11/05/2017 requesting appellant to collect copy of documents on payment of fees. However according to appellant the information as sought was not furnished inspite of his visit and that thereafter furnished some irrelevant information. The appellant filed first appeal to the respondent no. 2, being the First Appellate Authority (FAA).
- c) According to appellant, FAA by order, granted the prayers and directed PIO to furnish the information. However no formal order to the effect was passed.

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- d) The appellant has therefore 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 19/01/2018 filed reply to the appeal inter alia submitting that the appellant has already inspected the file which is under process as the original file is not available in the office. He has further submitted that the appellant is free to re-inspect the file if required. The PIO has further submitted that the corporation has already issued show cause notice to Annapurna Restaurant for nonpayment of Trade & Occupation licence.
- f) The appellant filed written arguments on 19th April 2018. According to him the PIO is misleading by producing photocopies of his letters on some other file. According to him if the file is not available, then the contention of PIO that the file is inspected is false and that the information is thus deliberately withheld. The appellant has also raised the point of insufficiency of knowledge of present PIO. He has submitted that the reply of then PIO dated 11-05-2017 is deceitful and that the file is deliberately misplaced. According to him issuance of notice to Annapurna restaurant has no relevance to the subject matter of information.
- g) The arguments on behalf of PIO Shri Pradip Mirajkar was heard. According to him the PIO has given inspection or the file on 13-04-2017. He further submitted that the concerned file is available now and that the required information can be given.

2) FINDINGS:

a) Perused the record and considered the pleading and submissions of the parties. Though the appellant has contended that the information as was furnished was irrelevant, I am unable to decide thereon as the information as was submitted is not before me if any.

However considering the contention of appellant that he has not received the required information and further considering the submission of the PIO that the concerned file is available now and that the information now, I find that the order to furnish information can be issued by this commission as also for grant of inspection of the records.

b) Besides the prayers for making available the requested information for inspection, appellant has also prayed for a direction to the respondent authority to nominate dedicated officer to entertain the queries under the RTI Act.

Considering the strength in this request of the appellant, this commission, by letter, dated 20/04/2018, had directed the commissioner of Corporation City of Panaji, recommending it to take immediate steps to appoint PIO. Accordingly the Commissioner has informed this commission that a full time PIO has been appointed. However the concern as expressed by the appellant in the appeal memo is appreciable.

c) Considering the relief sought by appellant and the submissions of the parties I find it appropriate that orders are passed directing PIO to grant inspection of the records pertaining to information, to the appellant. I also find it appropriate to observe that in the present case the application

filed by applicant was not dealt with required sanctity and the information is delayed. However the PIO is hereby warned to be diligent hence forth to deal with the applications on priority, by adhering to the mandate of the act.

In the above circumstances I proceed to dispose the above appeal with the following

O R D E R

Appeal is allowed. PIO, Corporation of City of Panaji shall furnish to the appellant, free of cost, the inspection of the records pertaining to the information sought by him by his application dated 21/04/2017 as also copies therefore, within **Fifteen Days** from the date of receipt of this order by him.

Proceeding closed.

Pronounced in open proceedings.

Notify the parties.

Sd/-

(P. S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji - Goa