

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**Penalty Case No. 04/2014

In

Appeal No. 102/SIC/2013Johnny Santan D'Souza,
H. No. 48, Girkarwaddo, Pernem-Goa
V/s

.....Appellant

Shri Chandrakant B. Shetkar,
Then Mamlatdar of Pernem/Public Information Officer
(22/04/2013 to 04/12/2013),
O/o. Mamlatdar of Pernem Taluka,
Pernem-Goa

.....Respondent

Decided on: 27/09/2017**ORDER**

1. Brief facts leading to present Appeal are that the Appellant Shri Johnny D'Souza vide his application dated 28/03/2013 sought for certain information as stated therein in the said application from the Mamlatdar of Pernem Taluka.
2. The same was responded by Respondent Public Information Officer (PIO) on 9/04/2013 thereby calling upon the appellant for clarification.
3. As the Appellant was not satisfied with the reply of Respondent PIO he preferred 1st appeal before the Deputy Collector and SDM Pernem being First Appellate Authority (FAA) and the FAA by an order dated 22/07/2013 directed Respondent PIO to furnish the copy of the documents and reports of the inquiry conducted to the Appellant within 7 days.
4. According to the Appellant, he did not received any documents despite of order of FAA as such being aggrieved by the action of Respondent PIO he preferred the appeal, interms of section 19(3) of the Right To Information Act, 2005 which was registered as Appeal No. 102/SIC/2013.

5. The matter was taken up by my predecessor. Pending disposal of the appeal notice was issued to PIO under section 20(2). The matter thereafter proceeded for hearing of the appeal on merits. In the course of the hearing on the appeal proceedings, the appellant was satisfied with the information furnished to him as such had filed application withdrawing the present appeal on 13/11/2014.
6. In the circumstances the question of giving orders to furnish information doesnot survive, as the appeal itself doesnot survive due to withdrawal by appellant.
7. Coming to the notice issued by this Commission in the present penalty proceedings to my mind was premature as the said powers can be invoked only at the time of deciding appeals. Which can be gathered from the wordings of section 20(1):- “Where the Central Information Commission or the State Information Commission, as the case may be, at the time of **deciding any complaint or appeal is of the opinion** that the Central Public Information Officer or the State Public Information Office, as the case may be, has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.”
8. As such said notice thus was not in accordance with the provisions of section 20 or with reference to proviso made thereunder.
9. Inview of the above, showcause notice issued to the PIO Chandrakant Shetkar stands withdrawn.
10. Penalty proceedings dispose off accordingly. Pronounced in open proceedings. Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

(Ms. Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa