

GOA STATE INFORMATION COMMISSION

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

Appeal No.177/2016

Mr. Savio Suraj Victoria,
H. No. 28 Khairikatem ,
Sanguem Goa.

...Appellant

V/s.

1.The Public Information Officer,
The Chief Officer,
Sanguem Municipal, Council,
Sanguem.

2. The First Appellate Authority,
The Additional Director of Municipal Administration,
Directorate of Municipal Administration,
Panaji Goa.

...Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 9/09/2016
Decided on: 20/12/2017

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Savio Victoria by his application dated 28/03/2016 filed u/s 6 (1) of Right to Information Act, 2005 sought certain information from the Public Information Officer (PIO) of Goa State Urban Development Agency, raising several queries therein.
2. The PIO of Goa state urban development agency vide his letter dated 6/04/2016 transferred the same to Village Panchayat Secretary u/s 6(3) of the RTI Act, 2005 who is Respondent No. 1 herein.

3. It is contention of the appellant that the Respondent No. 1 PIO failed to furnish the information, as such he filed first appeal to the First Appellate Authority (FAA) i.e. Respondent No. 2, on 2/06/2016.
4. According to the appellant after he filed first appeal he received reply dated 3/06/2016 alongwith the information. And the Respondent No. 2 passed the order on 27/06/2016 by coming to the findings that the information is already furnished to the appellant by the registered post.
5. It is contention of the appellant that PIO furnished him incomplete information at point no. 1, 2, 3, 10, 12, 13, 15 and 16. Therefore he approached once again the FAA on 14/07/2016 and the Respondent No. 2, FAA by order, dated 11/08/2016 allowed the said appeal directed Respondent No. 1, PIO to furnish the information by 18/08/2016 free of cost.
6. Since the order of Respondent No. 2 FAA, 11/08/2016 was not complied by Respondent No. 1 PIO and as the information was not provided to him the appellant filed present second appeal on 9/09/2016 u/s 19(3) of the RTI Act 2005 seeking the directions as against Respondent PIO for furnishing information and for penalty action against Respondent No. 1 PIO for providing incomplete information.
7. Notice were issued to parties. In pursuant to which, the appellant was present in person. And Respondent PIO was represented by Advocate Dattesh Naik.
8. It was volunteered on behalf of PIO to furnish the information and accordingly the said came to be furnished

to the appellant on 15/05/2017 by covering letter dated 12/05/2017.

9. The Appellant since was not satisfied with the information furnished to him on point no. 12,13 and 15. According to him he has sought information related to year 2011 to 2016, as such it was his contention that the reply of PIO that no R. A. bills and M.B. bills paid to contractors, cannot be believed. As such this Commission directed the Respondent PIO to clearly clarify at point number 12 and 13. Accordingly the Advocate for the respondent filed application on 12/12/2017 contending that no such bills have been paid to the contractor for the period 2011 to 28/03/2016, as such the certified copies of R.A. Bills and M.B. bills are not available on the records of the public authority. Vide said clarification it was further contended that bills have been paid on 25/04/2016 and 24/07/2017 which are subsequent to the application filed by the appellant. The copies of the said bills were also annexed to the said application. On account of the absence of the appellant or his representative the same could not be furnished. The Advocate for the Respondent was directed to furnish the copy of the said clarification alongwith documents to the appellant by register AD. And the matter was then fixed for arguments
10. As the Appellant did not appear before this Commission with any grievances with respect to said clarification, this Commission holds and presumes that appellant is satisfied with the information provided to him.

11. Since the appellant nor his representative did not appear before this Commission since 4/10/2017, Hence this Commission proceeds to dispose the appeal based on the records.
12. I have gone through the records the appellant filed application u/s 6(1) under RTI Act 2005 on 28/03/2016 which was transferred to Respondent No. 1 PIO on 6/04/2016 u/s 6(3) of RTI Act. Under section 7(1) of the RTI Act 2005 the Respondent No. 1 PIO is required to respond the same on or before the 30th days. In the present case it is found that for the first time the information furnished to the appellant on 3/06/2016, the same is filed beyond the period within which the PIO was supposed to file the reply. In the circumstances, I find that there is no response from the PIO within stipulated time u/s 7(1) of the RTI Act.
13. It is seen from the records that there was direction given by FAA vide order dated 11/08/2016 to furnish the documents by 18/08/2016 free of cost. The information came to be furnished to appellant during the present proceedings before this Commission by the present PIO.
14. Once the order was passed by FAA who is Sr. in rank then PIO it was abundant duty of PIO to abide by his direction. However in utter this regards to the said order PIO again failed to provide information sought for. In view of the delay in furnishing the information caused by the PIO, I find it appropriate to seek explanation from the PIO as to why penalty should not be imposed on him for contravention of

section 7(1) of RTI Act, and for not complying order of FAA dated 11/08/2016. I therefore dispose the present appeal with order as under:-

ORDER

- a) Information being furnished I find no intervention of the commission is required there too.
- b) However PIO to show cause as to why no action as contemplated u/s 20 (1) of RTI Act 2005 should not initiated against him for contravention of section 7(1) of RTI Act 2005 and for not complying the order of FAA.
- c) Copy of order shall be furnished to parties free of cost. PIO herein shall serve the copy of this order on the then PIO if he is transferred as well and produce the acknowledgement thereof before this Commission. The penalty proceedings fixed on 4/1/2018 at 3.30 p.m.
- d) Appeal stands disposed accordingly.

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.

Pronounced in the open court.

Sd/-

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

