

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

Complaint No..40/SCIC/2016

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

..... Complainant.

V/s

1) Shri Hussein Shah Muzawar,
The Main engineer Grade 1,
Representing as Public Information Officer/
For Mapusa Municipal Council,
Mapusa-Goa.

2) The Chief Officer/The First Appellate Authority,
Mapusa Municipal Council,
Panaji –Goa.

..... Opponent

Filed on: 02/08/2016
Decided on 26/09/2017

O R D E R

1) The Complainant herein has filed the complaint alleging non response from the PIO to his application, dated 04/12/2015. By the present complaint complainant is seeking information as also for penalty.

2) The facts in brief as pleaded by the complainant are that vide his application, dated 04/12/2015, filed u/s 6(1) of the Right to Information Act 2005, (Act for short) sought information from the PIO. The said application was neither responded nor any information was furnished. The Complainant preferred first appeal to the First Appellate Authority(FAA) and according to complainant the said appeal was not disposed. The complainant therefore has approached this Commission with this complaint.

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3) In the complaint the complainant has also contended that on 07/06/2016, he sought information from PIO and applied to him to furnish him certified copies of the noting sheets, rojnama sheets etc in the said first appeal, which according to him were also refused.

4) The notices of this complaint was issued to parties. Pursuant to which they appeared. The PIO on 21/04/2017 filed reply. In the reply the PIO pointed out that though the complainant has referred to '04/12/2015' as the date of his application u/s 6(1) of the act, the copy of the application attached to the complaint was dated 12/11/2015. According to him the application, dated 04/12/2015 and 12/11/2015 are two different application.

5) On 02/06/2017 the PIO was heard. The complainant undertook to file his written arguments and accordingly the same was posted on 09/06/2017 for complainants arguments. On 13/06/2017 the complainant filed his written arguments in the entry of this commission by furnishing copy thereof to the PIO.

6) On 30/06/2017 the advocate for PIO filed her written submissions and hence order could not be passed. The same was adjourned by giving an opportunity to complainant to make his submission if any. However the complainant and the PIO both failed to appear on said date and hence the matter is taken up for order.

7) I have perused the records and also considered the submissions of the parties. As per the complaint the complainant is aggrieved by non response of the PIO to his application, dated 04/12/2015. On perusal of the concerned application as attached to the

Complainant, it is seen that the application is dated 12/11/2015 by which the complainant has sought information.

8) On seeking clarification from the complainant, the complainant by his reply dated 09/06/2017, at para (1), has clarified that due to typographical error the date of RTI application is wrongly typed as 12/11/2015 and it has to be read as "04/12/2015". He further clarified that the first appeal number is wrongly typed as 40/2015 which according to him should be 32/2015.

9) The complainant has made several other statement in his reply, which are de hors the complaint and has no connection with the present complaint. The contention/averments pertaining to the alleged approach of advocates and regarding non fixation of CCTV in chamber of CIC and SIC is extraneous to the complaint. The complainant has also a grievance against some orders passed by this Commission in some of his matters, but the same cannot be dealt with by us and the proper course would have been to challenge such order before the appropriate forum. The complainant has also prayed in his reply some reliefs which are beyond the scope of the act.

10) Considering the complaint as filed by complainant and the annexures on which he relies it is found that though the complainant has a grievance and cause based on his application, dated 04/12/2015, no copy of such application is filed on record.

In the reply the complainant states that the copy attached and dated as '12/11/2015' be read as '04/12/2015'. I am the unable to accept said version. The inward date of the application attached to complaint is stamped as '13/11/2015', which cannot pertain to any application dated 04/12/2015, being later in date.

11) The complainant has relied upon the notice issued by FAA in first Appeal No.32/2015, though he states in the complaint that his appeal was numbered as No.40/2016, He clarified that it should be read as 32/2015.

If one considers the date of application as 04/12/2015, as clarified by complainant then the time for response u/s 7(1) would expire on 5th January 2016 and the first appeal if filed thereafter would fall in 2016 and would be numbered as of year 2016 and not of 2015. Hence the number of first appeal as clarified by complainant that it is 32/2015, cannot be accepted as no first appeal in respect of application dated 04/12/2015 would lie in 2015.

12) In spite of granting opportunities to complainant, he failed to remain present for clarification of the dates and numbers. All such errors besides leading to confusions, also leads us to hold misjoinder of facts and issues. Such a situation cannot lead to conclude any lapse on the part of PIO to invoke my powers u/s 18 and/or u/s 20 of the act. No case is made out by complainant to grant any of the reliefs as prayed. On the contrary the conduct of complainant appears casual and not warranting grant of any relief as prayed.

In the above circumstances I find no merits in the complaint, consequently the same is dismissed.

Notify the parties. Proceedings closed.

Sd/-

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

