

GOA STATE INFORMATION COMMISSION

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

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**

**Penalty No. 52/2016 in
Appeal No. 11/SIC/2014**

Shri Amod Venkatesh Veling,
F-6, Takkar Retreat,
Juna Gangapur Naka,
Gangapur Road , Nasik,
Maharashtra-422005Appellant

V/s.

1. Public Information Officer
(PIO),
Chief Officer,
Mapusa Municipal Council,Respondent No. 1
Mapusa Goa.
2. First Appellate Authority(FAA),
Director,
Directorate of Municipal
Administration,
Collectorate Building, Panaji-Respondent No. 2
Goa

Decided on: **31/01/2017**

ORDER

1. While disposing the above appeal by an order dated 17/11/2016, this Commission directed Respondent PIO, Mapusa Municipal Council Mapusa to give clear reply and furnish the information free of cost within 3 weeks. In the same order this Commission also issued notice under section 20(1) and 20(2) of the Right To Information Act 2005 and also seeking reply from PIO to showcause as to why the penalty, disciplinary proceedings as prayed by the appellant should not granted.

2. In pursuant to the showcause notice Respondent No. 1 PIO filed his reply on 26/12/2016. In the said reply he has submitted that the appellant had filed 2 appeals in respect of his application dated 19/05/2012 which was registered as Appeal Number. 210/SIC/2012 and appeal No. 11/SIC/2014 and that Appeal No. 210/sic/2012 was disposed by an order dated 9/08/2016. They also contended that the available information is furnished to the appellant vide their letter dated 6/05/2013, 11/06/2013, 27/05/2014 and on 6/06/2016. Vide said reply also they have submitted that the assessment of the house tax in Mapusa Municipal area had commenced in 1997 and prior to that record are not available in the Office of the Respondent No. 1, PIO. It is further submitted that the required information is already furnished to the Appellant as per available records which was dispatched by the Registered post. And which have been received by the appellant who has signed the acknowledgment card A. D. They also enclosed Xerox copy of the postal A. D. Card in support of his contention.
3. The file records in appeal number 210/SIC/2012 was called from the record room and the application filed under section 6 in appeal No. 210 and in appeal number 11/SIC/2014 was verified and it is seen that the appellant had filed both the appeal pertaining to same application dated 19/05/2012 wherein the same information was sought by the Appellant.
4. The State Information Commissioner in order dated 9/08/2016 passed in appeal No. 210/SIC/2012 had observed at para 8 that " the due information is furnished to the appellant."
5. Since the Appellant have not approach this Commission with any further grievance, this Commission presumed that the information furnish to the appellant vide letter dated 06/06/2016 in the present appeal is as per his satisfaction and requirement.
6. The representative of the Respondent PIO Shri Vinay Agarwadekar had also submitted during the hearing that the appellant is from Maharashtra is sending all the communication by post and there may be possibility that some communication have remained unattended due to which the PIO had no information of the electronic money order.

7. In other words he has tried to substantiate his case that there was not deliberate and malafides intention to delay the information.
8. I find that bonafides have been shown by the Respondent in furnishing the information to the appellant and as such I am of the opinion that this is not the fit case for invoking section 20(1) and 20(2). The principals of resjudicata is also applicable to the facts of the present proceedings. As such the Showcause Notice issued to the Respondent PIO stand withdrawn.

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