

**GOA STATE INFORMATION COMMISSION**  
**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

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**Appeal No. 233/2017**

Jawaharlal T. Shetye,  
H. No. 35/A, Ward No. 11,  
Near Sateri Temple,  
Khorlim-Mapusa-Goa.

.....Appellant

**V/s.**

1.The Public Information Officer (PIO),  
Mapusa Municipal Council,  
Mapusa Goa.

2.First Appellate Authority (FAA) ,  
The Chief Officer,  
Mapusa Municipal Council,  
Mapusa Goa.

.....Respondents

**CORAM:**

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

**Filed on: 21/12/2017**

**Decided on: 21/2/2018**

**ORDER**

1. The facts in brief which arises in the present appeal are that the appellant Shri. J. T. Shetye by his application dated 12/06/17 filed u/s 6 (1) of Right to Information Act, 2005, sought from PIO of Mapusa Municipal Council, certain information on 10 points as stated therein in the said application.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred first appeal on 26/7/2017 before the Chief Officer of Mapusa Municipal Council being First Appellate Authority (FAA).
3. It is contention of the Appellant that the Respondent No. 2 FAA did not dispose the First Appeal as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act, 2005 on 21/12/2017. In the second appeal he had sought for the direction as against respondent PIO to furnish him

correct and complete information before this Commission free of cost and for invoking penal provisions.

4. Notice were issued to both the parties. In pursuant to which appellant was present in person. Respondent PIO Vyankatesh N. Sawant appeared and filed reply on 12/02/2018 there by enclosing the copies of available information. The letter dated 9/2//2018 transferring the application to the PIO of Water Resource Department was also enclosed to the said information.
5. It was submitted by PIO that the points number 1,2,6,7,8,9,and10 were transferred to PIO, office of the Assistant Engineer , WRD Sub Div. II and works Division I at Mapusa and to also Porvorim Office of the said WRD Department. He further submitted that information at point No. 3 is not available in the records of Mapusa Municipality since the structures are not registered for house tax purpose. He further submitted that information at point No. 4 and 5 is annexed to the said reply/application.
6. Copy of the application/reply and information could not be furnished to the appellant on account of his absence on the said date of hearing as such the PIO Shri Vyankatesh N. Sawant undertook to send the available information to appellant by Speed Post.
7. On 21/02/2018 the appellant appeared and submitted that he has received the information from the Respondent No. 1 and he has no further grievance in respect of information furnished to him.
8. Coming to the other aspects of appeal, it is seen that application was filed on 12/06/2017. The said application was not responded by the Respondent PIO within time as contemplated under RTI Act. Under section 7(1) of the RTI Act. PIO is required to respond the same on or before 30<sup>th</sup> day. In the present case, it is found that the PIO has not responded to the application of the Appellant with the

said stipulated period either by furnishing the said information or rejecting the request. It is also not the case of PIO that the information has been furnished to the Appellant or that she has responded to his application. The PIO has not given explanation for not responding the said application. From the records it is found that the 1<sup>st</sup> time the information furnished by the present PIO on 12/02/2018 and there is delay of approximately about 7 months in furnishing the information.

9. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. The above circumstances leads me to prima facia hold that this action of PIO attracts penalty under section 20 of the Act.
10. The record also shows that even though the 1<sup>st</sup> appeal was filed by the appellant before Respondent No. 2 the same was not taken up for hearing. The said act on the part of Respondent No. 2 FAA is in contravention against RTI Act. The said Act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose the application under section 6(1) of RTI Act is within 30 days and to dispose 1<sup>st</sup> appeal is maximum within 45 days. The first appellate authority despite of due service of notice opted to remain absent nor filed his reply to the appeal, as such no any clarification could be obtained from FAA.
11. The act on the part of both the Respondents are condemnable. Considering the conduct of both the Respondents and their indifferent approach to the entire issue. I find some substances in the contention of the appellant. In the aforesaid circumstances I proceed to dispose this appeal with following order:-

### **ORDER**

1. Appeal is partly allowed.
2. Information being furnished to the satisfaction of the appellant, I find no intervention of the Commission required there too.

3. Issue showcause notice to Public Information Officer u/s 20(1) of the RTI Act for not responding the application u/s 7 and for delaying the information.
4. The First Appellant Authority is hereby directed to be vigilant henceforth while dealing with the RTI matters and is hereby directed to decide the first appeal within the time stipulated under RTI Act. Any further lapses on his part shall be reported to appropriate authorities for necessary action.
5. Matter fixed for reply of Respondent PIO on 7/03/2018 at 10. 30. a.m.

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

Ak/-