

GOA STATE INFORMATION COMMISSION

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

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

Second Appeal No: 40/2018/SIC-I

Narsinha Rathwad @ Kakankar,
 R/o Kasarrwada, Khorlim,
 Mapusa, Bardez, Goa.

..... Appellant

V/s

- 1) Public Information Officer,
 The Deputy Collector of Bardez,
 At Mapusa, Goa.
- 2) First Appellate Authority,
 The Additional Collector-I, North Goa,
 Office at Panaji, Goa.

..... Respondents

Filed on: 8/02/2018

Decided on: 20/04/2018

ORDER

1. The facts in brief which arises in present appeal are that the appellant Shri Narsinha Rathwad @ Kakankar by his application dated 6/09/2017 filed u/s 6(1) of RTI Act, 2005 sought copies of the complete proceeding of tenancy case bearing no. ADC/MAP/TNC/APL/12/1999 of chalta No. 62/12 of P. T. sheet No. 139 which was challenged by Mrs. Celina Braganza from Respondent No. 1 Public Information Officer (PIO) of the O/o. Deputy Collector of Bardez.
2. According to the appellant the same was responded by the Awalkarkun /APIO of the Office of Deputy Collector and SDO Mapusa on 3/10/17 interalia informing him that the application is under process and will be intimated once it is traceable.

3. Being aggrieved by such an response of PIO the appellant therefore filed appeal before Respondent No. 2, District Magistrate, North Goa, Panjim on 23/10/2017 being First Appellate Authority .
4. According to the appellant the Respondent No. 2 First Appellate Authority (FAA) by an order dated 27/11/2017 allowed his appeal and directed Respondent No. 1 PIO to furnish the information to the appellant within 15 days and incase records not traceable to make efforts to trace it and if the records are still not traceable then to file first information report for missing documents.
5. It is contention of the appellant that respondent PIO did not respond to direction of the Respondent No. 2 FAA, as such contempt application was filed before Respondent No. 2 on 22/11/17 by him and the Respondent No. 2 vide another order dated 12/01/2018 directed PIO to comply with the directions issued vide earlier order dated 27/11/2017 within 7 days, from the receipt of the order.
6. It is contention of the appellant that PIO did not adhere to both the above orders and did not provide him any information as such, considering the same as denial he is forced to approach this Commission with the present second appeal.
7. In this background the present appeal came to be filed by the appellant on 8/02/2018 interms of section 19(3) of RTI Act, 2005 thereby seeking relief of directions to PIO for

furnishing him correct and complete information and for invoking penal provisions.

8. In pursuant to the notice of this Commission the appellant was present in person. Respondent PIO Shri Gaurish Sankhawalkar appeared and filed his reply on 20/04/2018 thereby enclosing the certified copies of full file of case No. ADC/Mapusa/TNC/APL/12/1999 .
9. The PIO Shri Gaurish Sankhwalkar submitted that when application u/s 6(1) was made by appellant, the said file was not available with them and it was with FTC Court at Mapusa as the proceedings were conducted by them at that relevant time and he could only procure the file recently as the tenancy matters are remanded back to Revenue Courts.
10. The copy of the reply and the information was furnished to appellant and on verification of the said information the appellant submitted that he is satisfied with the information furnished to him and he is not pressing for the penal provisions. Accordingly he endorsed his say on the reverse of memo of Appeal.
11. In view of the submissions of the appellant and the endorsement made by him, nothing survives to be decided in the present matter.
12. The matter disposed accordingly. Proceeding stands closed.

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

Kk/-