

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

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

Appeal NO.179/2017/CIC

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

V/s

1) The Public Information Officer,
Mapusa Municipal Council
Mapusa –Goa.
2) The First Appellate Authority,
Mapusa Municipal Council,
Mapusa –Goa. Respondents.

Filed on:03/11/2018

Decided on:26/06/2018

O R D E R

- 1) This appeal is filed by appellant inter alia seeking the relief of direction to furnish the information as sought as also for initiating action against PIO U/s 20(1) and 20(2) of the Right to Information Act 2005. The appellant has also sought for a direction to the respondent Authority to implement section 4(1) of the Right to Information Act 2005.
- 2) In the course of hearing of the appeal, on 14/2/2017, the PIO filed reply alongwith a copy of the purported information furnished to the appellant. The submissions of the parties was heard on 20/04/2018. In the course of submissions the appellant submitted that he has received the information as was sought. Considering the said submission the prayer of the appellant with reference to the information has become infructuous.

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- 3) If one considers the other reliefs as sought, it is seen from the records that the application by appellant u/s 6(1) was filed on 07/08/2017. The PIO has not produced any evidence to show that the same was responded within thirty days from the date of receipt of the said application. In the other words the said application u/s 6(1) being not responded within time, it prima facie appears that the PIO has not adhered to the provision of section 7(1) of the act. If such is the case then the PIO is liable to penalty u/s 20(1) and/or 20(2) of the act. In the above, circumstances I find it necessary to issue notice to the PIO to show cause as to why penalty u/s 20(1) and/or 20(2) should not be imposed on him.
- 4) In the circumstances PIO is hereby directed to show cause as to why action as contemplated u/s 20(1) and/or 20(2) should not be imposed on him/her. The reply to be filed by PIO on 13/07/2018 at 10.30 am.
- 5) The respondent Authority viz. Mapusa Municipal Council is also hereby directed to comply with the requirements of Section 7(1) of the Right to Information Act 2005 within a period of three months from the date of receipt of this order.

The appeal disposed off accordingly. Penalty proceedings be registered.

Notify parties.

Pronounced in open proceedings.

Sd/-

(Prashant S.P. Tendolkar)

State Chief Information Commissioner

Goa State Information Commission

Panaji - Goa