

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

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

Appeal No.62/2018/CIC

Subhash Narvekar
r/o H. No.164. V "Ganesh",
Alto Duler, Mapusa,
Bardez -Goa.

.... Appellant

V/s

1) Public Information Officer,
Administrator of of Devalaya of Bardez,
Mapusa Bardez-Goa.

2) The First Appellate Authority ,
Dy Collector & SDO ,
Mapusa Goa

.... Respondents.

Filed on: 13/03/2018

Disposed on: 09/07/2018

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 09/10/2017, filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under six points therein.
- b) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).
- c) The FAA by order, dated 15/02/2018, allowed the said appeal and directed PIO to furnish the information. It is the contention of appellant that pending disposal of First

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appeal, on 22/01/2018, the PIO furnished certain information, which according to appellant is incomplete. In this respect the appellant has filed application on 25/01/2018, bringing this fact to the notice of PIO.

- d) The appellant, has not received the entire information as sought he has landed before this Commission in this second appeal u/s 19(3) of the act.
- e) Notices were issued to the parties, pursuant to which appellant appeared. The PIO was served with notice. Shri D. Kakatkar appeared on behalf of PIO on 25/04/2018, but subsequently the PIO failed to appear nor any one on behalf of PIO appeared . No reply is filed by PIO, inspite of opportunities.

In view of continuous absence of PIO and failure to file any reply giving his say, the arguments on behalf of appellant were heard.

- f) It is the submission of Adv. S. S. Narvekar on behalf of appellant that the information at points (1) to (3) is furnished but the information at points (4) to (6) is not furnished. According to him the information at points (4) is not furnished at all and that a points (5) and (6) are partly furnished. He therefore prayed for an order directing PIO to furnish the information also other reliefs as prayed

2) FINDINGS:

- a) Perused the records and considered the submissions of the appellant. By application dated 09/10/2017 the appellant desires to know whether certain complaints are received. In reply the appellant is informed by letter, dated 22/01/2018, that the said complaints are received.
- b) The subsequent requirement at point (4) of appellant's application are regarding the details of action taken by the

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respondent Authority. The information furnished is that it is forwarded to Devasthan for submission of information. The reply appears to be strange. The requirement was the details of action taken by respondent authority itself and thus the information would be as available with it.

- c) Regarding requirements of Points (5) and (6) certain records are furnished. According to appellant at point (5) the catalogue was sought with specific reference to years and what is furnished is not yearwise.

Similarly though some accounts are furnished they are not with reference to specific years pertaining to which they are sought nor it contain the copy of auditors report.

- d) On perusal of the information purportedly furnished by PIO, Commission finds force in the submission of the appellant. The answer to point (4) is not as per the application. The records at point (5) and (6) are not submitted yearwise nor it contains auditors reports.

- e) In spite of opportunity the PIO has neither filed any say to clarify/rebut the contentions of appellant nor he remained present. Commission therefore have no reason to discard or disbelieve the contentions of appellant. The records as produced by appellant also support his contention. It appears that all throughout during processing of application as also during this appeal the PIO has adopted a casual approach in dealing with the issue.

- f) Considering the records and the submissions of appellant this commission finds merits in the appeal and the same is required to be allowed. As the PIO has also failed to respond to the application u/s 6(1), prima facie, he is liable to be

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dealt with u/s 20(1) and/or 20 (2) of the act. In the above circumstances Commission disposes the appeal with the following:

O R D E R

The appeal is allowed. PIO, office of Administrator of Devalaya of Bardez at Mapusa is hereby directed to furnish to the appellant, free of cost, the correct information on points (4), (5) and (6) of appellants application, dated 09/10/2017 within TEN DAYS from the date of receipt of this order by it.

Appellant is directed to file on record a memo giving the name of the concerned PIO as on 09/10/2017, within seven days from today. On receipt of the memo issue notice to said PIO to show cause as to why action u/s 20(1) and/or 20(2) of the Right to Information Act 2005 should not be initiated against him.

Appeal disposed accordingly.

Notify parties.

Pronounced in open proceeding.

Sd/-
(Prashant S.P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji - Goa