

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

Appeal No. 159/2018/SIC-I

Shri Jalesh J. Kamat,
H. No. 64/A, 'Kuber',
At & Post – Tivim Ind. Estate,
Karaswada, Mapusa – Goa.

....Appellant

V/s

1) The Public Information Officer,
O/o. North Goa Planning & Development Authority,
Mala, Panaji – Goa.

2) First Appellate Authority,
O/o. North Goa Planning & Development Authority,
Mala, Panaji – Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 29/06/2018

Decided on: 1/8/2018

ORDER

1. The brief fact leading to the present appeal are that by an application dated 28/2/2018 the information seeker Shri Jayesh J. Kamat herein after referred to as appellant sought certain information on 4 points as stated therein in the said application from Respondent No. 1 PIO of North Goa planning and development Authority, Mala, Panjim - Goa.
2. According to the appellant he received the information i.e. 3 copies of documents on 13/4/2018 which is at annexure (b) collectively.
3. According to the appellant the Respondent PIO did not provide him the requested information and had provided incomplete and misleading information as such he preferred 1st appeal before the Respondent No. 2 first appellate authority on 2/05/2018

however the Respondent No. 2 first appellate authority did not dispose the said appeal nor any order was passed by Respondent No. 2 FAA.

4. Being aggrieved by the action of both the Respondents, the Appellant have approached this commission on 26/6/2018 by way of present appeal filed in terms of Sec 19(3) of the Right to information Act, 2005 with the contention that incomplete and misleading information has been provided to him and thereby seeking directions for providing him information as sought by him by application dated 28/2/18 and also for invoking penal provisions
5. In compliance to notice of this commission, the Appellant was present in person. Respondent PIO was represented by Adv Sailee Bandodkar and by Advocate K. More.
6. During the hearing the Appellant submitted that he is satisfied with the information provided to him at Point No. 3 and he showed his dissatisfaction on the information provided to him at Point No. 1, 2 and 4.
7. The Advocate for Respondent PIO agreed for providing him information once again and accordingly the reply came to be filed by Respondent PIO on 1/8/2018 alongwith enclosures. The copy of the same was furnished to the appellant. On verification of the same, the Appellant submitted that the information is furnished as per his requirement and to his satisfaction and has no any grievance with respect to information furnished to him. He also did not press for penal provisions. He accordingly endorsed his say.
8. Since the information is now being furnished during the present appeal proceedings as per the satisfaction of the appellant, I find that no intervention of the commission is required there too for the purpose of furnishing information and as such prayer II becomes infructious.

9. The advocate for the Respondent submitted that the application of the appellant dated 28/2/2018 was responded by PIO on 21/3/2018 within 30 days time and he relied upon the letter dated 21/3/2018 in support of his above contention bearing the acknowledgment of appellant of having received the information.
10. Considering the peculiar facts of the case, I am of the opinion that levy of the penalty as sought by the appellant at prayer III and IV is not warranted to the facts of the present case, as such the same is not granted.
11. The appeal disposed accordingly, proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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