

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

Appeal No. 248/2018/SIC-I

Mr. Sousa Leonardo Caetano,
r/o S. Bras Ilhas P.O. Marcella,
Goa 403107.

....Appellant

V/s

1) The State Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001.

2) First Appellate Authority (FAA),
Dy. Collector of Tiswadi and SDO,
Panaji Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner.

Filed on: 19/10/2018

Decided on: 13/12/2018

ORDER

1. The second appeal came to be filed by the appellant Shri Sousa Leonardo Caetano on 19/10/2018 against the Respondent No.1 Public Information Officer of office of Mamlatdar of Tiswadi at Panajim, Goa and against Respondent No. 2 First Appellate authority under sub section (3) of section 19 of RTI Act 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 4/7/2017 had sought for certain information on 6 points including inspection of the file/documents pertaining to tenant Association of Ella from its establishment till date, period wise. The appellant has sought the said information in exercise of his right u/s 6(1) of RTI Act, 2005.
3. It is contention of the appellant that the said application was not responded by the Respondent PIO within stipulated time of 30 days despite of his repeated inquiries with PIO as such deeming the

same as refusal he preferred 1st appeal before Respondent No. 2 on 9/8/2017.

4. It is the contention of the appellant that he received a reply from the Respondent no. 1 PIO on 17/11/2017 thereby providing him incomplete information
5. It is the contention of the appellant, he being not satisfied with such a reply, as such he filed reply to application dated 17/11/2017 of PIO before the Respondent No.2 first appellate authority and then the first appellate authority during the hearing on 8/1/2018 and on 22/1/2018 had directed the Respondent PIO to furnish the information to the appellant, free of cost.
6. It is the contention of the appellant he received a letter dated 24/8/2018 from respondent No. 1 PIO thereby enclosing the copy of the letter dated 4/8/2017 addressed to Mamlatdar by Chairman of said association and the Xerox copy of documents received from the Chairman of Dhauji Ella Tenant Association Kumbharjua.
7. It is the contention of the appellant he being aggrieved by the conduct of Respondent PIO he again appealed to the first appellate authority which was duly registered under case No. RTI/Appeal/9/18 and the Respondent No.2 first appellate authority by an order dated 5/10/2018 disposed his first appeal by coming to the conclusion that information already shared with the applicant .
8. Being aggrieved by the action of both the Respondents herein and as the appellant did not received complete information, he approached this commission on 19/10//2018 by way of second appeal as contemplated u/s 19(3)of RTI Act, 2005 with the prayer for direction for furnishing him complete information as sought by him.
9. Matter was listed on board and was taken up for hearing. In pursuant to the notices of this commission appellant appeared in person. Respondent No.1 PIO Shri Shailendra Desai along with APIO

Benny Vales appeared and Respondent No.2 first appellate authority was represented by Efi Silveira e D'mello.

10. Reply filed by Respondent No. 1 PIO and respondent No.2 first appellate authority on 26/11/2018. Copy of the same was furnished to the appellant.
11. The appellant during hearing on 26/11/2018 submitted that he has not been furnished complete information as sought by him. It is his contention that the above tenant association is formed some were in the year 1977 - 1978 and the information sought at point No. 2 for the period 1977 to 1987, to 1997 to year 2007 till date has not been provided to him. So also with regards to other points also the complete information is not provided. As such the commission verified the RTI application dated 4/7/2017 vis-a-vis the reply given by Respondent PIO dated 24/8/2018. It is seen that vide said reply dated 24/8/2018 the Respondent PIO has forwarded the letter dated 4/8/2017 addressed to the Mamlatdar by Chairman of Dhauji Ella Tenant Association Kumbharjua thereby providing point wise information. Alongwith the same, the PIO had also furnished form III, list of members of association to the appellant. It is seen that the complete information at point No. 1, 2 and 5 was not furnished by the PIO. At point No. 2 the appellant has sought the names /addressed of the elected members to administer the Tenant Association of Ella from its establishment till date. However what have been furnished to the appellant is form III i.e. list of members of association and not the names and addressed of the elected members. It was further noticed that at point No. 5 though the appellant has sought for information from its establishment till date, only part information was furnished to him pertaining to three years i.e. 2015, 2016 and 2017 is provided rest was not provided. Hence this commission directed PIO to verify their office record minutely once again.

12. Accordingly PIO undertook to verify the records once again and to resubmits/refurnished the information to the appellant. Accordingly on 13/12/2018 the Respondent no.1 PIO filed affidavit in reply furnishing the point wise information along with the certified copies of documents at annexure I and II. Copy of the same was furnished to the appellant.
13. On verification of the information, the appellant submitted that since whatever information available has been now furnished to him, he has no any further grievance. Accordingly he endorsed his say on the memo of appeal.
14. In view of the submission of the appellant and since available information has been now furnished I find no intervention of this commission is required for the purpose of furnishing the information thereto.

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