

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 44/2018/SIC-I

Mr. Bharat L. Candolkar,
Vady, Candolim,
Bardez-Goa

.....Appellant

V/s

1. Public Information Officer,
The Secretary,
Village Panchayat Candolim
Bardez-Goa
2. The First Appellate Authority,
Block Development Officer,
Mapusa, Bardez-Goa

.....Respondents

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

Appeal filed on :15/02/2018

Decided on: 14/06/2018

ORDER

1. The present second appeal came to be filed by the appellant in terms of section 19 (3) of Right To Information Act, 2005 thereby seeking relief of directions to Respondent No. 1 Public Information Officer (PIO) for furnishing him the requisite information as sought by him and also for invoking penal provisions including compensations.
2. The brief facts leading to present appeal are that the information seeker Shri Bharat Candolkar by application dated 16/08/2017 sought from Respondent No. 1 PIO of Village Panchayat Candolim-Goa certain information on 12 points pertaining to Antonio P. Fernandes as stated therein in the said application. The said application was filed u/s 6(1) of RTI Act, 2005.
3. According to the appellant his above application was responded by Respondent No. 1 PIO on 16/09/2017 interms of section 7(1) of RTI Act 2005.

4. According to appellant the Respondent PIO failed to furnish him proper pointwise information and inspection of records and as such according to appellant, the Respondent No. 1 PIO furnished him incomplete, incorrect and unsatisfactory, information as such he preferred first appeal on 11/10/2017 before the Block Development Officer (BDO), Mapusa, Goa who is Respondent No. 2 herein being the First Appellate Authority (FAA).
5. According to the appellant the Respondent No. 2 FAA by an order dated 21/11/2017 partly allowed his appeal and the Respondent PIO was directed to once again search the documents from their office record and to allow the appellant to inspect the record and thereafter to furnish the information to appellant within 7 days in respect of point 1 to 3 and 12 of RTI application dated 16/08/2017 free of cost and it was also further directed by the First Appellate authority that in case the information could not be trace out, the respondent shall conduct inquiry and fix responsibility on the concern person and if need arises to file complaint. It was also directed by FAA vide said order to submit the acknowledgement copy of transfer of application to the appellant pertaining to point no. 4 to 11 within the period of 7 days.
6. According to the appellant the Respondent No. 1 PIO did not comply the order passed by respondent No 2 first appellate authority, as such it is his contention that the said act of respondent PIO amounts to denying him the information.
7. In this background the appellant has approached this Commission on 15/02/2018 by way of present second appeal u/s 19 (3) of RTI Act, thereby seeking relief of providing information free of cost and for other relief.
8. The matter was taken up on board and listed for hearing. In pursuant to the notice of this Commission the appellant appeared alongwith the advocate Atish Mandrekar. The Respondent PIO Lourenco Ribeiro appeared alongwith Advocate S. P. Dessai. The Respondent No. 2 First Appellate Authority (FAA) opted to remain absent.

9. Reply filed by Respondent PIO on 12/04/2018 and affidavits in reply on 4/05/2018, 12/06/2018 and on 14/06/2018.
10. In the course of the hearing the respondent PIO offered to give appellant the inspection of all relevant documents/ records available with Panchayat and also volunteered to furnish information available from records. The appellant also agreed for such arrangement and the date for inspection was mutually fixed on 10/05/2018. Accordingly on 4/06/2018. Advocate for appellant submitted that inspection of records from year 1993 to 2016 has been carried out by him alongwith appellant in the presence of Respondent PIO and no records pertaining to point no. 1 to 3 and 12 are found in the records of Village Panchayat of Candolim. The said fact has been also affirmed by Respondent No. 1 PIO vide his reply dated 12/04/2018 and affidavits more particularly affidavit dated 14/06/2018.
11. Since now PIO have provided appellant inspection of the documents / files/ Registers etc. of Village Panchayat of Candolim, and as information at point No. 1 to 3 and 12 as sought by the appellant is not in existence prayer (I) and (II) becomes in fructuous. However, since PIO during hearing had submitted that the inventory of the records of the Village Panchayat Candolim are in progress, as such the right of the appellant to seek any additional information pertaining to same subject matter is kept open.
12. As the information at point No. 4 to 11 being transferred to concern Public Authority, the PIO of the said authority may deal the same independently in accordance with law. As such I find no intervention of this Commission is required at this stage with respect to above points.
13. The appellant also submitted that, on inspection of records, he is now satisfied that no such documents are available in records of public authority. He further submitted that he has no any grievance as against PIO's and he is not pressing for penal provisions. Accordingly he endorsed his say on the memo of appeal.

14. In view of submission and endorsement made by the appellant, I find no reasons to proceed with the present appeal and as such the appeal 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.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Kk/-