

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

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**Appeal No. 227/2019/SIC-I**

Shri Jawaharlal T. Shetye  
H.N. 35/A, Ward No, 11,,  
Near Sateri Temple, Khorlim,  
Mapusa-Goa -403 507.

....Appellant

V/s

1) The Public Information Officer (PIO),  
The Main Engineer Gr-I(Diniz D'Mello)  
Mapusa Muncipal Council,  
Mapusa-Goa – 403507.

2) First Appellate Authority (FAA),  
Chief Officer, (Mr. Clen Madeira),  
Mapusa Muncipal Council,  
Mapusa-Goa 403507

.....Respondents

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

Filed on: 25/07/2019  
Decided on:17/12/2019

**ORDER**

1. The second appeal came to be filed by the appellant Shri Jawaharlal T. Shetye on 25/7/2019 against the Respondent No.1 Public Information Officer of Mapusa Municipal Council, Mapusa, Bardez-Goa and against Respondent no. 2 first appellate authority under sub section (3) of section 19 of Right To Information Act, 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 29/4/2019 had sought for certain information from Respondent No.1 Public Information Officer (PIO) of Mapusa Municipal Council, Mapusa-Goa on 5 points as stated therein in the said application mainly pertaining to Shri Shivram Vaze and account taxation officer posted at Mapusa Municipal Council. The said information was sought in exercise of his right u/s 6(1) of RTI Act, 2005.

3. It is the contention of the appellant that his above application filed in terms of sub section (1) of section 6 was responded by the Respondent no 1 Public Information Officer (PIO) on 23/5/2019 wherein he was informed that no records are found in the name of Smt. Vilasini Vilas Mahale and late Shri Vilas Naguesh Mahale . As no information was provided to him and as such deeming the same as rejection, the appellant filed 1<sup>st</sup> appeal to Respondent no 2 chief officer of Mapusa Municipal council on 10/6/2019 being first appellate authority.
4. It is the contention of the appellant that the Respondent No. 2 first appellate authority, did not disposed his first appeal within stipulated time as such he is forced to file the present appeal.
5. In the above background the appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission in this second appeal u/s 19(3) of the act with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish the information as also for invoking penal provisions as against respondent PIO so also sought compensation for the detriment suffered by him at the hands of Respondents.
6. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which appellant was present in person before this commission only during the hearing on 10/10/2019 other hearing he opted to remain absent. Respondent PIO Shri Diniz D'Mello appeared along with APIO Vinay Agarwadekar. The Respondent No.2 First Appellate Authority (FAA) opted to remain absent despite of due service of notice neither filed any reply to the proceedings, as such this commission presumes that the Respondent No. 2 has no say to be offered and the averments made by the appellant in the memo of appeal are not disputed by him.

7. Reply filed by Respondent no. 1 PIO on 24/9/2019 alongwith enclosures and also additional reply was filed by the PIO on 10/10/2019 thereby furnishing the information at point no. 2 and 4. The copy of the same was furnished to the appellant.
8. The appellant showed his desire to file his counter reply but despite of giving ample opportunities, no reply came to be filed by him. Since appellant have not come with any grievances with regards to information furnished to him, I presume and hold that the same is furnished as per his requirement.
9. Vide reply PIO contended that the information at serial No. 5 is already furnished to the appellant and the information at serial No. 1,2,3 and 4 is also furnished to the appellant vide letter dated 23/9/2019 and since appellant was not satisfied with the reply at serial No.2 and 4, and therefore the correct information was furnished vide letter dated 9/10/2019.
10. Since the information have now been provided to the appellant as per the records, I am of the opinion that no intervention of this commission is required for the purpose of furnishing the information and hence the prayer (i) becomes infructuas.
11. On perusal of the records, it is seen that both the Respondents have not acted in conformity with the provisions of RTI Act, 2005. The application dated 29/4/2019 was filed and received by the Office of Respondent PIO on 29/4/2019 itself. Though the PIO has responded the same on 23/5/2019 under section 7(1) of the Act, however on perusal of the said reply it is seen that no complete information was provided to the appellant. There is a delay in furnishing the complete information and the said was furnished during the present appeal proceedings on 23/9/2019 and on 10/10/2019.
12. The records shows that the first appeal was filed by the appellant on 10/6/2019 which was received in the Office of First Appellate

Authority on the said day itself. As per section 19(1) of RTI Act, 2005 , the time limit is fixed to dispose the appeal within 30 days and maximum within 45 days. There are no records of having passed order by respondent no.2 first appellate authority

13. It is quite obvious that appellant has suffered lots of harassment and mental agony in seeking the information and pursuing the matter before different authorities. Such a conduct by both the Respondent is obstructing transparency and accountability appears to be suspicious and adamant vis-a-vis the intent of the Act. Hence the Act on the part of the both the Respondents herein is condemnable.
14. As there is no evidence produced on records by the appellant of detriment or losses suffered by him, the relief of compensation sought by the appellant cannot be granted.
15. In the above circumstances and in the light of the discussions above I dispose off the above appeal with the following:

### **ORDER**

- a) Appeal partly allowed.
- b) Since the information have now been furnished to the appellant, no intervention of this commission is required for the purpose of furnishing the information and as such pray (i) becomes infructuas.
- c) Both the respondents are hereby directed to be vigilant henceforth while dealing with the RTI matters and to strictly comply with the provisions of the Act. Any lapses on their part in future will be viewed seriously.
- d) In excise of my powers conferred u/s 25(5) of RTI Act 2005 this Commission recommends that the Director of Municipal Administration, Panjim shall issue instruction

to both the respondents to deal with the RTI matters appropriately in accordance with the provisions of the RTI Act and any lapses on the part of respondents be considered as dereliction of duties.

- e) Copy of this order shall be sent to Director of Municipal Administration, Panjim, Goa for information and necessary action.

With the above directions, the appeal 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