

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

Appeal No. 236/2019/SIC-I

Suhas Lotlikar
R/o Chamundi Building,
Martin Dias Road,
Behind Big'G' ROZI,
Pajifond, Margaon Goa

.....Appellant

V/s

1. The Public Information Officer (PIO),
The Chief Executive Officer,
Margaon Municipal Council,
Margao Goa.

2. The First Appellate Authority (FAA),
The Chief Officer,
Margao Municipal Council,
Margao Goa

3. The Director ,
Municipal Administration,
Appellate Authority ,
Dempo Towers,
1st floor,EDC Patto Plaza,
Panaji-Goa.

.....Respondents

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

Filed on: 31/07/2019
Decided on: 23/09/2019

ORDER

1. The second appeal came to file by the appellant Shri Suhas G. Lotlikar on 31/7/2019 against (i) the Respondent No. 1 Public Information Officer (PIO) of the Margao Municipal Council at Margaon, (ii) against the respondent No. 2 First appellate authority and (iii) against Respondent No. 3 The Director of Municipal Administration at Panajim-Goa as contemplated 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 25/2/2019 had sought for the information on 8 points as stated therein in the said application pertaining to his complaint vide letter dated 5/12/2018 which was inwards by MMC by inward no.7093211 dated 5/12/2018. The said information was sought from respondent No. 1 PIO of Margao Municipal Council in exercise of appellant's rights under sub section(1) of section 6 of RTI Act, 2005
3. It is the contention of appellant that the said application of his was not responded by the Respondent PIO in terms of sub section(1)of section 7 of RTI Act, 2005 within stipulated time of 30 days as such deeming the same as rejection, he preferred the first appeal on 26/4/2019 before the Respondent No.2 Chief Officer of Margao Municipal Council being First Appellate Authority in terms of section 19(1)of RTI Act 2005.
4. It is the contention of the appellant that even though he visited Municipality personally since there was no response or reply from Respondent no. 2 first appellate authority and hence he filed complaint on 2/7/2019 against respondent No.2 first appellate authority to Respondent No. 3. The Director of Municipal Administration at Panajim.
5. It is the contention of the appellant that being aggrieved by the conduct of Respondent no. 1 and 2 he is forced to approach this commission by way of second appeal as contemplated under section 19(3) of RTI Act, 2005 on the grounds raised in the memo of appeal thereby seeking relief for direction for providing him information, free of cost and for invoking penal provisions.
6. The matter was taken up on board and was taken up for hearing after intimating both the parties. In pursuant to notice of this commission, appellant was present along with Advocate Tapasya

Avsare. Respondent PIO Shri Prashant Narvekar was present Respondent No. 2 opted to remain absent Respondent no. 3 was represented by Shri Rajendra Mardolkar.

7. Reply filed by Respondent No.3 on 9/9/2019.
8. In the course of the hearing the Respondent PIO submitted that he was not officiating as PIO when the initial application was filed by the appellant nor when the first appeal was filed. He further volunteered to furnish the information to the appellant and accordingly the same was submitted on 23/9/2019.
9. The appellant acknowledged the said information which was furnished to him free of cost. On verification of the said information, the appellant submitted that he has no any further grievance with respect to information furnished to him as the same is furnished as per his requirements. He further submitted that he is not pressing for penal provisions and accordingly endorsed his say on the last page of memo of appeal.
10. Since available information have been furnished to the appellant, free of cost as per the requirements of the appellant, I find no further intervention of this commission required for the purpose of furnishing information and hence prayer (i) becomes infructuous.
11. In view of the submissions and the endorsements made by the appellant herein, I find no reasons to proceed with the matter and nothing survives to be decided in the present proceedings. Hence the 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.

Pronounced in the open court.

Sd/-

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