

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

Appeal No 270/2018/SIC-I

Shri Yeshwant J. Mahale,
H.No. 29-B/3Jamkhale,
Unity Village, Karaswada,
Mapusa Goa.

....Appellant

V/s

1) The Public Information Officer (PIO),
Administrator of Comunidade,
North Zone, Mapusa-Goa.

2) The First Appellate Authority (FAA),
Additional Collector-II,
North Zone, Panaji-Goa.

....Respondent

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

Filed on: 15/11/2018
Decided on: 03/01/2019

ORDER

1. The second appeal came to be filed by the appellant Shri Yeshwant J. Mahale on 15/11/2018 against the Respondent no. 1 Public Information Officer of Administrator of Comunidade, Mapusa, Bardez-Goa and against Respondent no. 2 FAA 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 11/6/2018 had sought for certain information from the Respondent no 1 pertaining to action taken on his application dated 30/10/2017 by the Administrator of Comunidade, North Zone at Mapusa-Badez, Goa. 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 not responded by the

Respondent no 1 PIO within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal to Respondent no 2 on 30/07/2018.

4. It is the contention of the appellant that the respondent no. 2 First appellate authority vide order dated 10/09/2018 allowed his appeal and directed the respondent no 1 PIO to issue the information to the appellant, free of cost within 8 days as per the original application dated 11/06/2018.
5. It is the contention of the appellant that inspite of the said order, the said information was not furnished and hence the appellant has approached this commission in his 2nd appeal seeking relief of directions to PIO to furnish the information as also seeking penalty and compensation for not giving information within time.
6. Notices were issued to both the parties. Appellant appeared in person. Respondent PIO absent despite of due service of notice. No reply came to filed on behalf of PIO. Respondent no. 2 First appellate authority was represented by Smt. Sujata Chopdekar who filed reply on Behalf of Respondent no. 2 on 14/12/2018. The copy of the reply filed by Respondent No. 2 First appellate authority was furnished to appellant.
7. The appellant during the hearing on 3/1/2019 submitted that he had received the reply to his RTI application from the Administrator of Comunidade / PIO Mapusa on 17/11/2018 after the present appeal was filed. He further submitted that his main intention was to get the information and not to penalize any PIO. He further submitted that since he in receipt of the information, he now desire to withdraw his appeal and accordingly he filed application for withdrawal of his present appeal.
8. The appellant was kind and honest enough to place proper facts before this Commission and was gracious to waive the penal and

compensation relief sought by him . This Commission appreciate such gesture on the part of the appellant.

9. Since the available information have now been provided to the appellant , I find no intervention of this commission is required for the purpose of furnishing information hence Prayer-I becomes infructuous .
10. Before parting the Commission observes that as per the records the application dated 11/6/2018 was filed and received by the office of Respondent no 1 on 11/6/2018. U/s 7(1) of the Act the PIO is required to respond the same within 30 days from the said date. There are no records produced by the PIO that the same is adhered too. The order of the first appellate authority has directed PIO to issue the information within 8 days, as such the PIO was duty bound to comply the direction of his superior officer and was required to provide the information within 8 days. It is seen that the order was passed on 10/9/2018 as such the PIO was required to furnish the information on or before 18/09/2018. There is nothing on record produced by the PIO that the order of the FAA was complied by him within time. The information came to be provided only on 17/11/2018. Such a conduct by PIO is obstructing transparency and accountability appears to be suspicious and adamant visa viz the intent of the act. Hence the Commission directs the Respondent PIO to be vigilant henceforth while dealing with the RTI matters and lapses if found in futures will be viewed seriously.
11. In view of the submission and the application made by the appellant, I find no reason to proceed with the matter. Hence the appeal proceedings stands disposed as withdrawn.

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