

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

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**Appeal No.281/2019/SIC-I**

Shri N. Priolkar,  
F/6, Chamundi Apartments,  
Martires Dias Road,  
Margao-Goa.

.....Appellant

V/s

1)The Municipal Engineer,  
Margao Municipal Council,  
Margao Goa.

2)The Chief Officer,  
Margao Municipal Council,  
Margao Goa ,

.....Respondents

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

Filed on: 30/08/2019  
Decided on:28/11/2019

**ORDER**

1. The second appeal came to be filed by the Appellant Shi N. Priolkar on 30/8/2019 against the Respondent No. 1 Public Information Officer (PIO),of the Margao Municipal Council at Margao-Goa and against Respondent No. 2 First Appellant Authority (FAA), under sub section (3) of section 19 of RTI Act.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 10/12/2018 had sought for the certain information from the Respondent No. 1 PIO of Office of Margao Municipal Council on 4 points as listed therein in exercise of his right under 6 (1) of RTI Act, 2005. The information/documents sought by the appellant herein were pertaining to a restaurant in the name and style as "Sky View", Multi Cuisine Restaurant operating from top floor of the building Aisha Centre at Margao, situated on Margao Colva Road, near old Market Circle, Margao.
3. It is the contention of appellant that as no information was furnished to him by Respondent No. 1 PIO within statutory

period under the RTI Act, he vide his letter dated 11/1/2019 again reminded and requested the respondent no.1 PIO to process his above referred application and to provide him information within 8 days from the receipt of the letter despite of same no information was provided to him, as such deeming the same as rejection he preferred the first appeal on 4/2/2019 before the Chief Officer of Margao Municipal Council being a First Appellate Authority who is the Respondent No. 2 herein.

4. It is the contention of the appellant that the Respondent No.2 first appellate authority by an order dated 12/6/2019 was pleased to allow his appeal and directed Respondent PIO to release the available information/documents sought by the appellant within 15 days, free of cost.
5. It is the contention of the appellant that despite of the order and directions of Respondent no. 2, the Respondent nO.1 PIO failed to furnish him the required information at serial No.1 to 4 for the best reasons known to him.
6. It is contention of the appellant that being aggrieved by the action of Respondent PIO he is forced to approach this commission with a second appeal .
7. In this background the second appeal came to be filed before this commission with a contention that the information still not furnished and seeking order from this commission for direction to respondent PIO for furnishing him the required information and for invoking penal provisions as contemplated under section 20of RTI Act for failure, negligence, carelessness attitude, and for total disrespect shown by the concerned officer to adhere to the order issued by the Respondent No. 2 and also invoking section 19(8) (b) of RTI Act against respondent No. 1 PIO for the loss and detriment suffered by him.

8. The matter was taken up on board and was listed for hearing after intimating both the parties. In pursuant to notice of this commission, appellant appeared in person. Respondent present PIO Shri Prashant Narvekar was present alongwith Advocate S. Vaingankar. Respondent No. 2 first appellate authority opted to remain absent.
9. During the hearing on 28/11/2019 the present PIO submitted that when the application was filed and order was passed by FAA Shri Manoj Arsekar was officiating as PIO and recently he has taken the charge as PIO and he volunteered and furnished the required information to the appellant before this commission. Appellant after verifying the same submitted that the same is furnished to him as per his requirement. He further submitted that as his main intention was to receive the information and since the information now been provided he is not pressing for penal provision. Accordingly endorsement have been made by appellant on the memo of appeal.
10. Since available information have been now furnished to the appellant, free of cost as per the requirements of the appellant, I find no further intervention of this commission is required for the purpose of furnishing information and hence prayer(I)becomes infructuous.
11. Before parting the Commission hereby observes that the then PIO have not acted with conformity with the provisions of the RTI Act. Once the order was passed by the first appellate authority who is superior officer of the PIO, it was for PIO to comply the said order unless the same is challenged. There is no records available in the file that the same was challenged by the PIO.
12. If the correct and timely information was provided to the appellant, it would have saved valuable time and hardship caused to the appellant herein in pursuing the appeal before the different

authorities. It is quit obvious that the appellant has suffered lots of harassment and mental torcher in seeking the information under the RTI Act. If prompt and correct information was provided at the initial stage itself, such harassment and detriment could have been avoided.

13. Since the appellant has gracefully did not pressed for penal provisions and as there are no records available in the file showing that then PIO has acted persistently in such a manner, this commission considering this as a first lapse on the part of then PIO takes a lenient view in the present proceedings and is here by admonished. Any lapses if found on the part of such officer who acts as a barrier in smooth implementation of the Act, will be viewed seriously and shall be dealt sternly henceforth.
14. 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.

Pronounced in the open court.

Sd/-

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