

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.73/SIC/2013

Engr. Rabindra A.L. Dias ,
Dr. Pires Colony, Block "B"
Cujira, St. Cruz,
Tiswadi - Goa

..... Appellant

v/s

- 1.Public Information Officer,
Village Panchayat Colva.
Colva, Salcete – Goa
- 2.The First Appellate Authority,
O/o Block Development Officer,
Margao, Salcette - Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 10-04-2019

Date of Decision: 10-04-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide two separate RTI applications dated on 31/12/2012 and 17/01/2013 addressed to PIO, Village Panchayat of Colva, Colva Salcete-Goa, sought information under Section 6(1) of the RTI Act, 2005.
2. The Appellant in the RTI Application dated 17/01/2013 is seeking information relating to House No. 37, Novowaddo, Sernabatim village, House No. 156, Padriguelem, Sernabatim Village, Salcete Taluka; House No. 155, Padriguelem, Sernabatim Village, Salcete Taluka; House No. 158/1, Padriguelem, Sernabatim Village, Salcete Taluka; and other information as contained therein RTI Application.
3. The Appellant in the RTI Application dated 31/12/2012 is seeking information regarding House No. 104, Vanelim Village, Salcete Taluka; House No. 94, Sernabatim Village, Salcete Taluka; House No. 145, Ambeachi Xir, Sernabatim Village, Salcete Taluka; other information contained therein RTI Application.

4. It is the case of the Appellant that PIO has not furnished any information and as such Appellant filed a First Appeal dated 07/03/2013 and the First Appellate Authority (FAA) vide an order dated 02/05/2013 after hearing both the Appellant and Respondent PIO disposed off the matter by directing the PIO to provide information to the Appellant free of cost within 10 days from the date of the order.
5. Being aggrieved that despite the Order of the FAA, information has not been furnished by the PIO, the Appellant filed a Second Appeal registered on 10/06/2013 before the Commission and has prayed to take cognizance that Respondent No.1 PIO has failed to furnish information and for penalty, compensation and other such reliefs.
6. **HEARING:** This old matter has come up for hearing on numerous previous occasions and hence taken up for final disposal. During the hearing the Appellant Engr. Rabindra A.L. Dias is present in person. Respondent PIO and FAA both are absent.
7. **SUBMISSIONS:** At the outset the Appellant submits that PIO has failed to comply with the directions of FAA and stringent actions may be taken against PIO. The Appellant also submits that directions be issued to the PIO to furnish the information.
8. **FINDINGS:** The Commission on perusing the material on record indeed finds that PIO has not complied with section 7(1) and also failed to comply with the directions of the First Appellate Authority (FAA).
9. **DECISION:** The Commission accordingly directs the PIO to comply with the order of FAA within 30 days of receipt of this order and provide the information free of cost to the appellant. In case the information is not available, then the PIO is directed to file an affidavit to that extent with the Commission and a copy should also be sent to the Appellant.

10. **Issue Notice u/s 20(1) of the RTI act 2005 to the PIO**

in the above matter to show cause as to why penal action should not be taken against him for not furnishing the information timely within the mandated 30 days period and also for not complying with the Order dated 02/05/2013 of the First Appellate Authority.

11. The said PIO shall remain personally present in the Commission with his explanation, if any on 17/06/2019 at 11.30am.

With these directions the appeal case is stands disposed.

With these observations all proceedings in the appeal case are closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of order be given free of cost.

Sd/-

**(Juino De Souza)
State Information Commissioner**