

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

Appeal No.98/2019/SIC-I

Delcy Borges ,
Flat F3, A Wing,
CD Harmony Apartment,
Near Power House, Aquem,
Margao-Goa.

....Appellant

V/s

1)Public Information Officer,
Economic Offences Cell,
Office of Deputy Superintendent of Police (EOC),
Altinho,Panaji-Goa.

.....Respondent

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

Filed on: 15/04/2019
Decided on: 29/05/2019

ORDER

1. The second appeal came to file by the appellant Delcy Borges on 15/04/2019 against the Respondent Public Information Officer (PIO),of the office of the Deputy Superintendent of Police (EOC) Panaji-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 her application dated 23/1/2019 had sought for the information on 2 points as stated therein in the said application. The said information was sought from respondent PIO of economic cell 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 she received a reply from the Respondent PIO on 11/2/2019 in terms of sub section(1) of section 7 of RTI Act, 2005 thereby denying her information in

terms of section 8(1)(h) of RTI Act on the ground that the appellant is one of the accused in the said crime and disclosure of information would impede the process of investigation.

4. It is the contention of the appellant that she being aggrieved by such a response of Respondent PIO, preferred the first appeal on 08/03/2019 before the Superintendent of Police/Economic offences Cell being First Appellate Authority interms of section 19(1) of RTI Act 2005. And the first appellate authority by an order dated 13/3/2019 directed the respondent to furnish the documents in regards to point no. 1 and to allow the inspection of the inward/outward registered of the office of PI(EOC) for the period of 1/1/2018 to 15/4/2018 on 25/3/2019 and then the appellant was directed to file letter mention the details of her correspondence with inward/outward numbers within 20 days of the receipt of the order and then the information to be furnished to the appellant by Respondent within 30 days.
5. It is the contention of the appellant that she was not satisfied with the order and reasoning given by the First Appellate Authority as such, she 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 her 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 S. Gomes Pereira. Respondent PIO Mrs. Ezilda F. D'souza was present and filed her reply on 29/5/2019.
7. Vide her reply, the PIO submitted that in compliance to the order of First appellate authority inspection of EOC inward/outward registered was carried out by the appellant on 25/3/2019

however she did not submit any application giving the details of the records required by her and the same was only submitted on 6/5/2019 and as such she was not able to provide her information earlier.

8. PIO during the proceedings submitted that she has carried the information alongwith her reply as such the copy of the reply along with the information was furnished to the appellant herein on 29/05/2019. The appellant acknowledged the said information which was furnished to her free of cost. On verification of the said information, the appellant submitted that she has no any further grievance with respect to information furnished to her as the same is furnished as per her requirements. She further submitted that she is not pressing for penal provisions and accordingly endorsed her say on the last page of memo of appeal.
9. Since available information have been furnished to the appellant, free of cost as per the requirements of the appellant, I find no intervention of this commission required for the purpose of furnishing information and hence prayer (a) becomes infructuous.
10. It is found from the records that the Respondent PIO was diligent in performing the duties under RTI Act and she has responded the application of the appellant well within stipulated time. Further the PIO has shown her bonafids in providing the information free of cost and as such I am of the opinion that the facts and circumstances of the present case doesn't warrant levy of penalty on Respondent PIO.
11. As discussed above and in view of the submissions and the endorsements made by the appellant herein, nothing survives to be decided in the present proceedings and 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.