GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 127/2019/SIC-II

Shri Digambar P. Talkar,
Son of late Pundalik Talkar,
40 years of age, **……. Appellant**
H. No. 321, Chinch Bhatwadi,
Mayem, Bicholim – Goa

v/s

1.The Dy. Collector/Sub Divisional Magistrate,
Bicholim – Goa.

2.The Collectorate North Goa,
Panaji – Goa **…. Respondents**

Relevant emerging dates:

Date of Hearing : 20-08-2019
Date of Decision : 20-08-2019

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 04/02/2019, sought certain information under Section 6(1) of the RTI Act. 2005 from the Respondent PIO, Dy. Collector Sub Divisional Magistrate, Bicholim-Goa. The information sought is about copy of order obtain by Shri. Yeshwant Nauso Karbhotkar under section 133 C R Pc for felling and cutting jungle trees in Survey No.181/7 revenue village Deus, Bhatwadi, Mayem Bicholim-Goa.

2. It is the case of the Appellant that there was no reply nor information furnished by the PIO within the mandatory 30 days period as is required under Section 7 (1) of the RTI Act and which is why the Appellant filed a First Appeal on 18/03/2019 and the First Appellate Authority (FAA) vide his Order dated 09/04/2019 directed the PIO to provide copies of Order under section 133 of CRPc as sought by the RTI applicant free of cost within 10 days.

3. It is also the case of the Appellant that despite the Order of First Appellate Authority (FAA) no information was furnished by the PIO and which is why being aggrieved the Appellant has filed a Second Appeal before the Commission registered on 06/05/2019…

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…. and has prayed to take action against PIO for not complying the mandatory under section of 7 (8) (1) (2) (8) of the RTI 2005 and for other such reliefs.

4. **HEARING**:-During the hearing the Appellant Shri Digambar P. Talkar is present alongwith his Advocate Balkrishna A. Kapdi whose Vakalatnama is on record. The Respondent PIO is represented by Smt. Manisha Mayekar, UDC, O/o Dy. Collector, SDM, Bicholim. The FAA is represented by Shri. Ajit Naik, Awal Karkun, O/o Collectorate (N), Panaji-Goa.

5. **SUBMISSION:** At the outset the representative of the PIO hands over a letter by the PIO addressed to the Appellant dated 01/08/2019 wherein it has been mentioned that no Order had been obtained by Shri. Yeshwant Nauso Karbhotkar under section 133 C R Pc for felling and cutting jungle trees in Survey No.181/7 revenue Village Deus Bhatwadi Mayem Bicholim-Goa. The representative of the FAA submits a reply which is taken on record. One copy is also served on the Appellant. The reply clearly states that the First Appeal was disposed off in time by directing the PIO to furnish information within 10 days free of cost.

6. Advocate Balkrishna A. Kapdi submits that this was the information sought for and which should have been furnished by the PIO after receipt of the RTI application dated 04/02/2018 within mandatory 30 days period and not at this stage after approaching the Commission. Advocate Balkrishna A. Kapdi further submits that as the PIO has neglected in furnishing the information and has failed in the discharge of his duty therefore penalty should be imposed on the PIO and disciplinary action taken. It is also submitted that even after passing of the Order by the First Appellate Authority (FAA) directing the PIO to furnish information free of cost, the PIO did not bother to furnish information and this has resulted in his client suffering monetarily and was made to run from pillar to post.

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7. **FINDINGS:** The Commission indeed finds that the PIO has failed in performing the duty cast upon as per the RTI Act in furnishing information as is mandatory under section 7(1) and which is a serious issue and cannot be taken lightly by the Commission. The Commission also finds that the PIO has disobeyed the orders and directions given by the First Appellate Authority (FAA) to furnish the information within 10 days free of cost.

8. **DECISION**: The Commission accordingly finds that this is fit case for imposing penalty under section 20(1), however before any penalty is imposed on the PIO, the principals natural justice demands that an explanation be called for from the concerned PIO to show cause as to why he failed to discharge the duty cast upon him as per the RTI act 2005.

Issue Notice to Respondent former PIO

Issue Notice u/s 20(1) of the RTI act 2005 to the concerned Respondent PIO to show cause why penal action should not be taken against him for not furnishing any reply not information timely and further for disobeying the order passed by the First Appellate Authority (FAA). The said PIO shall remain personally present before the commission with his explanation, if any on 03rd October 2019 at 11.30am.

With these directions the Appeal case stands disposed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner