

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 280/SIC/2016

Jawaharlal T. Shetye,
H.No.35/A, Ward No.11
Near Sateri Temple,
Khorlim, Mapusa – Goa. 403507

..... Appellant

v/s

1. The Public Information Officer,
Mapusa Municipal Council,
Mapusa - Goa,
2. The First Appellate Authority,
The Chief Officer (Mr. Clen Madeira)
Mapusa Municipal Council,
Mapusa – Goa.

... Respondents

Relevant emerging dates:

Date of Hearing: 19-03-2019

Date of Decision: 19-03-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 16/08/2016 sought certain information as per 6(1) from the PIO O/o Mapusa Municipal Council, Mapusa Goa by referring to a Complaint dated 18/04/2016 against the builder (Savardekar) for undertaking two construction projects at Cuchelim-Mapuda in the area bearing Survey No.P.T. Sheet No.26 Chalta Nos.3, 3B, 4, 5, 6,16, 17, 46, by violating terms and conditions of Municipal Act and bye-laws.
2. The Appellant is *inter alia* seeking information of the action taken, if any on the above complaint dated 18/04/2016 and to furnish certified copies of all the notings, correspondence, status/progress, names and designation of the official entrusted with duties of processing, furnish action taken report from the year and upon receipt of a complaint filed by a Carpenter by name Arun residing in a house constructed adjacent to property bearing chalta No. P.T. Sheet No.26 Chalta No.46 of City Survey Mapusa against the same builder as mentioned in complaint dated 18/04/2016;

.....furnish the list of Complaints filed by various persons/citizens during the period since Jan.2016 till dated against the illegal constructions and illegal activities carried out by various Builders and others in all the twenty Municipal wards of Mapusa and other such related information.

3. It is the case of the Appellant that the PIO has neglected to give any reply or furnish the information as is mandatory as per section 7(1) and as such the Appellant filed a First Appeal on 28/09/2016 and the First Appellate Authority (FAA) has not passed any order. The Appellant being aggrieved has thereafter filed a Second Appeal before the Commission registered on 06/12/2016 and has prayed to direct the PIO to furnish correct information free of charges and to invoke section 20(1) against the Respondent PIO for not furnishing information within the specified time frame and to take steps for implementing section 4(1)(a) and 4(1)(b) and other such reliefs.
4. **HEARING:** This matter has come up before the Commission on several previous occasion and thus taken up for final disposal. During the hearing the Appellant is absent. The Respondent PIO is represented by APIO, Shri Vinay Agarvadekar.
5. **SUBMISSIONS:** The APIO submits that the RTI application was dealt by the former PIO, Shri Uday Salkar who has since retired from service on 28/02/2017. It is further submitted that although the PIO did not file any reply, however after the matter had reached the First Appellate authority (FAA) an order dated 20/12/2016 was passed by the FAA giving directions to the PIO to furnish the information within 15 days free of cost and that the PIO has by letter No.MMC/Engg/RTI/267/2017 dated 10/01/2017 furnished all the information as available in the records on all six points of the RTI application dated 16/08/2016.
6. **FINDINGS:** The Commission after hearing the submission of the APIO and perusing the material on record finds that the directions of the FAA as per order dated 20/12/2016 have been complied.

7. The PIO has furnished the information vide letter No. MMC/Engg/RTI/267/2017 dated 10/01/2017 and which fact is confirmed by the PIO vide reply dated 12/09/2017 which is on record of the file containing enclosures. The PIO has informed the Appellant as follows: With respect to point No.1, copy of letter dated 31/08/2016 was enclosed; with respect to point no 2, Copy of the noting sheet was enclosed; With respect to point No 3, irt was informed that it is the same as point no 1, with respect to point No.4 it was informed that the Concerned officials are of the Engineering Section; with respect to point No.5 it was informed that the details submitted are not specific and the appellant was requested to submit Compliant/copy of the Complaint letter; with respect to point No.6, the PIO informed that no such list is maintained by this Council.
8. **DECISION:** In view that the First Appellate Authority (FAA) has passed an Order dated 20/12/2016 and which directions have been complied with and the information which was not furnished earlier has been subsequently furnished by the PIO on 10/01/2017 and further in view that the said PIO, Shri Uday Salkar has retired from service on 28/02/2017 due to which the Commission is unable take any punitive action against the said PIO **Nothing further survives in the Appeal case which accordingly stands disposed.**
9. Consequently the prayer of the appellant to invoke section 20(1) against the PIO for not furnishing information within the specified time frame stands rejected. The Public authority is directed to take steps for implementing section 4(1)(a) and 4(1)(b) as soon as possible.

With these directions all proceedings in Appeal case stands closed. 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