

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

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**CORAM: Shri Juino De Souza : State Information Commissioner**

**Appeal No. 298/2018/SIC-II**

Jawaharlal T. Shetye  
H.No. 35/A, Ward No. 11,  
Khorlim, Mapusa,  
Goa – 403 507

**.... Appellant**

v/s

1. Public Information Officer,  
Mapusa Municipal Council,  
Mapusa, Goa. 403 507

2. First Appellate Authority,  
Chief Officer,  
Mapusa Municipal Council,  
Mapusa, Goa - 403507.

**.... Respondents**

**Relevant emerging dates:**

Date of Hearing : **04-12-2019**

Date of Decision : **04-12-2019**

**O R D E R**

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 30/07/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, Mapusa Municipal Council Mapusa Goa.
  
2. The Appellant is seeking information by enclosing photo copy of income Certificate bearing No.EST/5100/ dated 02/07/2015 issue in the name of one Shri Sushant Harmalkar r/o H.No.56/3 Mapusa-Goa and is *inter alia* seeking copies of all the documents i.e application form requesting to issue income certificate, affidavit dated 23/06/2015 sworn by Shri. Sushant Harmalkar, of notings processing the application and all the supporting documents on the basis of which Mapusa Municipal Council has issued above referred certificate of Income dated 02/07/2015 and other related information as contained in the RTI application therein.

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3. It is the case of the Appellant that there was no reply nor any information furnished by the PIO as is mandatory under Section 7(1) of the RTI Act. and which is why the Appellant filed a First Appeal on 04/09/2018 and the FAA vide an Order on the Roznama dated 17/10/2018 disposed off the said First Appeal by directing the Respondent PIO to furnish the information as sought in the RTI application within 7 days, free of cost. The FAA also observed that the PIO has not filed his reply or nor any say in the matter.
4. Being aggrieved that despite the direction of the First Appellate Authority (FAA), the PIO has not furnished information, the Appellant filed a Second Appeal before the Commission registered on 11/12/2018 and has prayed to direct the PIO to furnish the information and for penalty, disciplinary action and other such reliefs.
5. **HEARING:** This matter has come up before the Commission on six previous occasions and is thus taken up for final disposal. During the hearing the Appellant Shri Jawaharlal T. Shetye is absent. The Respondent APIO Shri Vinay Agarwadekar is present along with Adv. Matlock D'Souza who undertakes to file Vakalatnama.
6. **SUBMISSION:** At the outset the APIO, Shri. Viany Agarwadekar submits that the former PIO did not furnish any reply as per 7(1) initially because he was busy with other Municipal related work and inadvertently the said RTI application remained pending. It is also submitted that the former PIO has retired from government service.
7. Shri. Viany Agarwadekar further submits that pursuant to the direction of the First Appellate Authority (FAA), the Appellant was furnished complete information containing 10 pages of documents vide letter no MMC/EST/6858/2018 dated 12/10/2018 and that the said information was received by the Appellant and this fact has not been placed on record of the Commission. The APIO furnishes copies of information documents that were furnished to the Appellant which is taken on record of the Commission. ...3

8. **FINDINGS:** The Commission after perusing the material on record and hearing the submission of the APIO finds that although the PIO initially did not furnish information and the reason as explained by the APIO was because the former PIO was busy with other Municipal related work, however the information containing 10 pages of documents was furnished by the former PIO, pursuant to the directions of the FAA vide letter no MMC/EST/6858/2018 dated 12/10/2018.
9. The Commission accordingly finds that the PIO has thus complied with the direction of the FAA and furnished information regarding the process of the application for income certificate issued to Shri Sushant Harmalkar.
10. **DECISION:** In view that information containing 10 pages was furnished by the PIO vide letter no MMC/EST/6858/2018 dated 12/10/2018 **nothing further survives in the Appeal case which accordingly stand disposed.**

A set of information documents furnished by the PIO is placed in the case file and if the Appellant has not received the information, he is at liberty to collect the same from the office of the Commission, if he so desires.

With these observations all proceedings in the appeal case stand 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**

