

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

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**Appeal No.310/2019/SIC-I**

Longinhos Fernandes, House No. 325,  
Desterro Waddo, Near E1-Monte,  
Vasco-da-Gama, Goa 403802.

....Appellant

V/s

1. Public Information Officer,  
Office of Sub-Divisional Police Officer,  
Vasco da Gama, Goa
2. First Appellate Authority,  
Superintendent of Police (South),  
Margao-Goa

.....Respondents.

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

**Filed on: 05/11/2019**

**Decided on: 24/12/2019**

**ORDER**

1. The brief facts of the present case as put forth by the Appellant Shri. Longinhos Fernandes are as under:-
  - a) By application dated 01/07/2019 filed under section 6(1) of Right to Information Act, 2005 (herein referred to as Act), the appellant sought from the Respondent No. 1 PIO certified copy of the investigation report done by their office as per the letter from Mormugao Municipal Council under Reference No. MMC/Tax/F-488/W.No.X/16-17/503 dated 22/03/2017.
  - b) It is contention of the Appellant that his above application was responded by Respondent No. 1, PIO on 24/07/2019 wherein he was informed that as per APIO/PI Vasco Police Station the matter is under inquiry with PSI, Mr. Vikas Deykar.
  - c) It is contention of the Appellant that he was not satisfied with said reply and as no information was furnished to him by Respondent PIO, as was sought by him as such deeming the same as rejection he filed first appeal on 21/08/2019 before the Superintendent of Police Office (South) at Margao being

First Appellate Authority (FAA) in terms of section 19(1) of Right to Information Act, 2005.

- d) It is contention of the appellant that the Respondent No. 2, First Appellate Authority (FAA) by an order dated 20/09/2019 directed the PIO/SDPO of Vasco to instruct PI of Vasco Police Station to conduct fresh inquiry into the Complaint of the Appellant and take necessary action in the matter and furnish outcome of the same to the Appellant within 2 weeks.
  - e) It is contention of the appellant that the Respondent No. 1 PIO did not comply the order of the First Appellate Authority and no information came to be provided to him within 2 weeks, as such he being aggrieved by the action of Respondent No. 1 PIO is forced to approach this Commission by way of second appeal.
- 2) In this background the present appeal came to be filed by the appellant on 5/11/2019 in terms of section 19(3) of RTI Act, 2005, there by contending that information still not provided and seeking relief of directions to respondent no.1 of providing him inquiry report and for invoking penal provision as also for registering FIR against culprits.
  - 3) Matter was taken up on board, in pursuant to the notice of this Commission Appellant was present in person. Respondent No. 1 PIO was represented by Shri Neelesh Rane, PI of Vasco Police Station who filed reply on 12/12/2019 alongwith enclosures. Copy of the same was furnished to the Appellant herein.
  - 4) Vide reply it was contended that the application/petition filed by the appellant herein on the cited subject "complaint against Smt Rekha R. Belgaokar, r/o Desterno waddo, near EL Monte Talkies, Murmugao-Goa" was marked to PSI Vikas Deykar by then PI Sagar Ekoskar of Vasco Police Station. The respondent no.1 PIO

in his reply also substantiated the steps taken up by PSI Vikas Deykar and also placed on record the relevant documents collected by the said inquiry office. It was also submitted that the Complainant and the other party were summoned at the Police station on 30/11/2019 at 11 hours and during inquiry the opposite party produced the copy of the order dated 12/12/2018 passed by the Chief Officer Murmugao Municipal Council.

- 5) It was further submitted that the Police station has commence the detailed inquiry afresh in pursuant to the order of FAA dated 20/09/2019 and all persons related are being summoned and inquired and in support of his contention he relied upon call letters issued to the appellant and the opposite party.
- 6) It was further submitted that the present fresh inquiry is in progress and the moment the inquiry is concluded, the report will be furnished to the Appellant.
- 7) I have scrutinised records available in the file and also considered the submission made by the parties.
- 8) The Hon'ble High Court of Delhi in Writ petition No. 5957/2007 Kusum Devi V's Central Information Commission and others has held:

"The Petitioner certainly has right to seek for information with regard to Complaint made by him action taken and the decision taken there after, but not ask for opinion or presumptive question."

- 9) It appears that the Complainant has filed the Complaint and in pursuant to which the inquiry is initiated as such by subscribing to the Ratio laid down in the case of Kusumdevi (Supra), I am of the considered opinion that the Complainant is entitle to know the outcome of his Complainant.

- 10) Nevertheless since the inquiry is in progress not yet concluded and as per today since no inquiry/investigation report is available on the records of Public authority concerned herein, no direction can be issued for the purpose of furnishing the same. However, it is open for the Appellant to seek the same information, once the inquiry and the investigation is over.
- 11) The Fact and circumstances of this case does not warrant levy of penalty on Respondent No. 1 PIO, as it is seen from the records that the application of the Appellant was Responded well within 30 days time. Since the Respondent PIO has substantiated his case by documentary evidence, as such I do not find any irregularity and illegality in the reply of the Respondent PIO given interms of section 7(1) of RTI Act. There appears to be some delay in complying the directions issued by the respondent no.2 FAA, Vide order dated 20/09/2019, none the less the respondent no.1 PIO has tried to justify the delay in conducting inquiry by said inquiry official.
- 12) I do not find merits in the present proceedings and liable to be dismissed, which I hereby do.
- 13) Appeal is disposed accordingly. Proceedings stands closed.

Notify the parties.

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