

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.144/SIC/2012

Adv. Gautam N. Pednekar,
Office-F-7, 1st floor,
Elzira Commercial Complex,
Opp to Axis Bank,
Angod, Mapusa, Bardez-Goa.

..... Appellant

v/s

1. Public Information Officer,
Dy. Collector of Bardez,
Mapusa-Bardez - Goa.
2. First Appellate Authority,
Office of Collector-North Goa,
Panaji-Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing: 16-01-2019

Date of Decision: 16-01-2019

ORDER

1. Brief facts of the case are that the Appellant vide an RTI application dated 23/04/2012 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO O/o Deputy Collector & SDO, Mapusa, Bardez Goa.
2. The information pertains to 7 points and also contains several sub points. The Appellant *inter alia* is seeking all details regarding Abstract of Mapusa Municipal Election of the year 2010 and 2005 with regards to Election expenses filed by all candidates of all wards, Nomination forms filed by the contesting candidates, Affidavits, information about Election agents, polling agents, Security Deposits, schedules published on newspaper, Scrutiny of proceeding conducted, post election statistics, to furnish enterable records of Election results and other statistics total voter list, Affidavits filed by candidates and other such related information including the total voting held since the year 1975 till 2010.

3. It is the case of the Appellant that no reply was furnished by the PIO, as per section 7(1) and as such the Appellant filed First Appeal on 18/06/2012 and being aggrieved that First Appellate Authority (FAA) has not passed any Order, subsequently approached the Commission by way of a Second Appeal registered on 02/08/2012 and has prayed to conduct enquiry and to direct the Respondent PIO to furnish required information and for disciplinary action and other such reliefs.
4. This old matter has come up before the Commission on numerous previous occasions and hence is taken up for final disposal. During the hearing the Appellant Adv. Gautam N. Pednekar is absent. It is seen from the Roznama that the Appellant has continuously remained absent right since 15/06/2016 without intimation to this Commission and it appears that the Appellant is not interested to pursue his appeal case. The Respondent PIO is represented by Shri. Dinanath Pulekar LDC, O/o Dy. Collector of Bardez, Mapusa. The FAA is absent.
5. At the outset representative of the PIO submits that the information sought was regarding the Mapusa Municipal Election for the years 2005 and 2010 and that as per the order of the State Election Commission bearing No. 3/14/2017-SEC/627 dated 22/05/2017 and as per Rule 62 of the Goa Municipalities (Election) Rules, 1969 the said information has been destroyed and thus not available.
6. It is further submitted that since the information relating to election for the year 2005 and 2010 has been destroyed in view that the next elections of Mapusa Municipal Election were held in the year 2015, thus the information pertaining to the earlier Municipal elections of Mapusa Municipal council including that of the year 2005 and 2010 cannot be provided. The representative of the PIO furnishes a copy of the order bearing No. 3/14/2017-SEC/627 dated 22/05/2017 before the commission which is taken on record.

7. The Commission finds that the order bearing No. 3/14/2017-SEC/627 dated 22/05/2017 states that on expiry of period of 60 days from the date of publication of the results of the election, the Commissioner shall destroy the ballot papers. The said order also states that all the other papers relating to the election shall be retained until the termination of the next general election for the ward
8. The Appellant has sought information regarding Election to the Mapusa Municipal Council Election of the year 2005 and 2010 and in view that fresh elections of the council were held in the year 2015, the earlier information of earlier elections were destroyed / weeded out as per Order of the Goa State Election Commission and also as per the Rule 62 of the Goa Municipalities (Election) Rules. Therefore the Commission is unable to issue any directions to the PIO to provide information to the Appellant at this stage.
9. It is seen that the Appellant was given sufficient opportunity to appear before the Commission and present his case, however he has failed to avail the opportunities. It is also seen that there is no reply nor any written submission filed by the Appellant regarding the said Appeal case.
10. Thus the prayer of the appellant in terms of a) for conducting enquiry and b) for directing the Respondents to furnish information stand rejected. Consequently the prayer at c) for initiating Disciplinary proceedings against the PIO also stand rejected.

With these observations Appeal case stands dismissed.

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