

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

Shri Prashant S. P. Tendolkar,
State Chief Information Commissioner

Appeal No.178/2018/CIC

Mr. Nazareth Baretto,
R/o H.No.126, Borda,
Margao, Salcete-Goa.
403601.

.....

Appellant.

V/S

The Public Information Officer,
The Administrator of Comunidades,
South Zone,
Margao, Salcete-Goa.

.....

Respondent.

Filed on:12/06/2018.

Decided on:13/03/2019

O R D E R

- 1) The appellant had filed above appeal in view of his failure to obtain the information sought by his application dated 14/11/2017. In the course of Proceedings, it is brought on record by PIO that the required information was sought by PIO from the clerk of the concerned comunidade as the same was not held by the PIO. In the first appeal the FAA has directed the PIO to obtain the information and furnish the same to the appellant.
- 2) From the reply filed by the PIO herein and considering the annexures to it, it is seen that certain information is furnished to the appellant. Such information was required to be scrutinize by the appellant to confirm whether same is received. In spite of granting opportunity, the appellant failed to appear on the last two dates of hearings. In the absence of specific

Sd/-

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objection to the information I have no grounds to disbelieve that the information as was sought is duly furnished. In such circumstances no intervention of this commission is required regarding the relief/prayer sought for information.

- 3) Coming to the relief of penalty, it is seen that the PIO has acted promptly and in exercise of powers u/s 5(4) of The RTI Act, has sought assistance of the Clerk of the Comunidade. Thus the said clerk being the deemed PIO u/s 5(5) of the act, is required to be dealt with for the purpose of penalty.
- 4) On going through the records, it is seen that the appellant had not joined the clerk as a party to the first appeal resulting in depriving him of his rights to prove his bonafides. Hence joining the clerk in the second appeal would be premature. Consequently invoking penal action under section 20(1) and/or 20(2) would be void.
- 5) In the above circumstances nothing survives in this appeal. The same is therefore dismissed.

Notify parties.

Proceedings closed.

Pronounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa