

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.217/2018/CIC

Mr. Shrikant Vishnu Gaonkar,
FA-501/FA-505, Sinari Apartments,
Near Datta Mandir, Ribandar Patto,
Ribandar Goa 403006. Appellant

V/s

- 1) The Public Information Officer,
Office of the Commissioner Corporation of
The City of Panaji.
Panaji Goa 403001.
- 2) The First Appellate Authority,
The Commissioner,
Corporation of the City of Panaji,
Panaji -Goa 403001. Respondents.

Filed on:11/09/2018

Decided on 01/03/2019

O R D E R

1) The appellant has filed the above appeal on the ground that the Public Information Officer (PIO) has failed to provide information within time stipulated under The Right to Information Act 2005(Act) as also having failed to provide correct information. According to him the PIO has deliberately given false and misleading information and has adopted casual approach.

The appellant has also a grievance that the First Appellate Authority(FAA) has failed to conduct proper proceedings and that he has made inconsistent notings instead of passing order u/s 19 of the Act.

2) Notices of this appeal were issued to the PIO and the FAA. A copy of the notice was also served on the representative of C.C.P. on 05/10/2018. In spite of notice neither PIO nor FAA

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appeared. In spite of giving opportunity to PIO, no reply is filed by him in the present appeal. In view of continuous absence of the PIO and non contesting of the appeal by him, the submissions of the appellant were heard.

3) In the course of submissions, the appellant submitted that he has received the entire information but in piecemeal bases. According to him the information was furnished by three different replies from PIO. According to him, though the information is received, the same being furnished beyond time, the PIO is liable to be punished u/s 20(1) and 20(2) of the Act. While concluding his submissions, the appellant submitted that as he has received the information he is not pressing the said relief but he is insisting on the prayer for penalty as per the relief claimed by him.

4) On perusal of the records and as submitted by the appellant, the information as sought by him is duly received by him. In view of this situation no intervention of this Commission is required in respect of the relief sought for furnishing the information.

5) It is the contention of the appellant that the PIO failed to furnish the information in time and that it was furnished at different intervals by three separate replies. On perusal of the reply of the PIO, it is seen that application u/s 6(1) of the act filed by appellant was seeking information on (8) point. It was replied for the first time on 03/05/2018, wherein points (3) (6) and (7) of the application was dealt with. Subsequently by letter, dated 11/05/2018, the PIO responded to points (1), (2), (5) and (8). Thereafter by letter, dated 18/06/2018 the PIO dealt with point No.(4) of the application. Thus the response was staggered and even the first one was beyond the statutory period marked u/s 7(1) of the act.

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6) Thus from the above it is seen that the PIO failed to furnish the information within the time specified under sub section (1) of section (7) of the act. Such a lapse on the part of PIO calls for a penalty against the PIO u/s 20(1) and/or 20(2) of the act. However as per proviso to said section 20(1) of the act an opportunity is required to be given to him to show cause before any penalty is imposed.

7) Considering the above circumstances, I hereby direct the concern PIO, Shri Pradeep A. Mirajkar to show cause as to why penalty should not be imposed on him as contemplated u/s 20(1) and/or 20(2) of the Right to Information Act 2005. Reply to notice shall be filed by him in person on **13/03/2019 at 10.30 am.**

The appeal stands disposed with initiation of penalty proceedings.

Issue notice accordingly.

Pronounced in open hearing.

Sd/-
(Shri. P. S. P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji -Goa