

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

Appeal No. 300/2019/SIC-I

Parshuram Sonurlekar,
H. No. 188c Near Jetty Bus Stop No 2,
PO, Harbour Mormugao,
Mormugao, Goa 403803..... Appellant/Complainant
v/s

1. Public Information Officer (PIO),
Margao Municipal Council, Margao-Goa
2. First Appellate Authority,
Margao Municipal Council,
Margao-Goa ...Respondents/Opponents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Filed on:7/10/2019
Decided on:2/12/2019

O R D E R

1. The second appeal came to be filed interms of subsection (3) of section 19 of the Right To Information Act, 2005 against Respondent No. 1 Public Information Officer (PIO) of Margao Municipal Council, Margao Goa and as against Respondent No. 2 First Appellate Authority by the Appellant, Shri Parshuram Sonurlekar on 7/10/2019 with the contention that no information still have been provided to him by Respondent PIO pertaining to his RTI application dated 15/05/2019 and no order has been passed by the Respondent No. 2 First Appellate Authority (FAA).
2. It contention of the appellant that he in exercise of his right under sub-section (1) of section 6 of RTI Act, 2005 had sought for certain information at point no. 1 to 6 pertaining to the names and addresses of people whose houses are included in demolition order issued by Margao Municipal Council in the area of Khareband-Peda area from 2005 till date of application which the Respondent No. 1, Public Information Officer (PIO) vide his letter dated 11/06/2019 denied him the said information on the ground

that the information sought under the RTI Act is not clear and as such the council is not able to trace the records as desired.

3. It is contention of the appellant he being not satisfied with such a response of Respondent No. 1 PIO filed first appeal on 10/07/2019 interms of subsection (1) of section 19 of RTI Act, 2005 before the Respondent No. 2, First Appellate Authority (FAA) who failed to hear the said proceedings nor any order was passed within stipulated time as contemplated under the Act.
4. It is contention of the Appellant that he being aggrieved by the action of both the Respondents and as no information has been received by him which was sought in order to produce it in the court, is compelled to approach this Commission in the second appeal.
5. In the present appeal, the appellant has sought only for the relief of imposing fine/penalty on both the Respondents on the ground that they deliberately failed to give him the information and as such he has incurred loss of his valuable time and resources which is irrecoverable.
6. In pursuant to the notice of this Commission, Appellant appeared in person. Respondent No. 1 PIO was represented by Advocate Ms. Samiksha Vaigankar. Respondent No. 2 opted to remain absent.
7. The Appellant during the hearing 02/12/2019 submitted that since due information have been furnished to him by the Respondent PIO as such has no any further grievance against both the Respondents and he is not pressing for penal provision. Appellant showed his desire to withdraw the present Appeal proceedings and accordingly endorsement to that effect have been made by him on the memo of appeal.

8. In view of the submissions of the Appellant and as the information now being provided to him, nothing survives to be decided in the present proceedings.
9. However, before parting its needs to mention that under the RTI Act time limits is fixed to deal with the RTI application within 30 days and to dispose the first maximum within 45 days. The records shows that the first appeal was not disposed within the stipulated time by the Respondent No. 2 First Appellate Authority (FAA) so also there is delay in furnishing the information. The appellant has been made to run from pillar to post in pursuing his RTI application which was required by him to produce it before the court. If the timely information was provided than such an harassment and detriment caused to the appellant would have been avoided. Hence both the Respondents are hereby admonished and directed to deal the RTI matters within time frame in accordance with law. Any lapses found in future shall be viewed seriously.
10. In view of the endorsement of the Appellant, the present Appeal proceedings stands disposed and closed as withdrawn.

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