

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

Appeal No. 196/2019/SIC-I

Mr. Sebastian Mendonca,
House No. 458,
Arrarim-Succor,
Porvorim-Goa.

....Appellant

V/s

1) The Public Information Officer,
W.R.D. North Goa,
Sinchar Bhavan, Near Police Station,
Porvorim -Goa.

2) First Appellate Authority,
W.R.D. North Goa,
Sinchar Bhavan, Near Police Station,
Porvorim -Goa

.....Respondents

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

Filed on:21/06/2019
Decided on:28/08/2019

ORDER

1. The appellant, Mr. Sebastian Mendonca has filed the present appeal on 21/6/2019 praying that the Information as requested by the appellant in his application dated 28/1/2019 be furnished to him correctly and for invoking penal provisions and compensation.
2. The brief facts leading to the second appeal are as under:
 - a. That the appellant, vide his application, dated 28/1/2019 addressed to the Respondent No.1 Public Information officer (PIO) of the office of Water Resources Department, Porvorim-Goa requested to furnish information on 5 points as stated therein in a said application pertaining to well located in Porvorim Arrarim at house no. 458. The Said information was sought in exercise of his right u/s 6(1) of RTI Act, 2005.

- b. It is the contention of the appellant that his above application filed in terms of sub section (1) of section 6 was responded by the Respondent no 1 Public Information Officer (PIO) on 6/2/2019 calling upon appellant to collect the information after due payment of Rs. 32/- towards its charges.
 - c. It is the contention of the appellant that he received the information after he made the payment of fees . However according to him the PIO finished him incomplete information.
 - d. It is the contention of the appellant that he being not satisfied with the said information furnished to him by the Respondent PIO as such the appellant filed 1st appeal on 5/3/2019 to Respondent no 2 before the office of Superintending Engineer, Central Planning Organisation Water resources Department, Porvorim-Goa being first appellate authority interms of section 19(1) of RTI Act, 2005.
 - e. It is the contention of the appellant that the Respondent No. 2 first appellate authority, disposed his first appeal vide order dated 11/6/2019 by upholding the say of PIO and coming to the conclusion that information has been sought by the appellant has been furnished to the appellant, Vide said order the Respondent was directed to allow the appellant to inspect the documents and to furnish the information sought.
3. In the above background the appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission in this second appeal u/s 19(3) of the act on the grounds raised on the memo of appeal with the contention that the complete information is still not provided and seeking order from this commission to direct the PIO to furnish the information

as also for invoking penal provisions as against respondent PIO so also sought compensation for the detriment suffered by him at the hands of Respondents.

4. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which appellant was represented by Shri Grenville Dias. Respondent PIO Shri A.J. Bhagawat was present along with APIO Shri Ganapat Raikar. The Respondent No.2 First Appellate Authority (FAA) was represented by Shri Parmeshwar K.
5. Reply filed by Respondent PIO on 28/8/2019 thereby providing additional information to the appellant. The copy of which was furnished to the representative of appellant. The representative of appellant on going through the information and also after verifying the information submitted that the same is received as per his RTI Application and accordingly endorsed his say on the memo of appeal.
6. Since the information have now been provided to the appellant as per his requirement and to his satisfaction, I am of the opinion that no intervention of this commission is required for the purpose of furnishing the information and hence the prayer (i) becomes infructuas.
7. It is his contention of the representative of appellant that great hardship has been caused to him and lots of his valuable time have been wasted in pursuing the said application/information which was sought by him in larger public interest and on that ground he sought relief of invoking penal provisions and for compensation.
8. On perusal of the records, it is seen that the Respondent No. PIO have acted in conformity with the provisions of RTI Act, 2005. Under section 7(1) of the Act, the PIO is required to

respond the same within 30 days from the said date. It is seen from the records that the application of the appellant dated 28/1/2019 was responded by the Respondent PIO on 6/2/2019 well within 30 days stipulated period of time. Hence the facts of the present case doesn't warrant levy of penalty on PIO. Hence the relief which are in nature of penal provisions cannot be granted .

9. As there is no evidence produced on records by the appellant of detriment or losses suffered by him, the relief of compensation sought by the appellant also cannot be granted.
10. In the above circumstances and in the light of the discussions above I dispose off the above appeal with the following:

ORDER

- a) Since the information have now been furnished to the appellant, no intervention of this commission is required for the purpose of furnishing the information and as such pray (i) becomes infructuas.
- b) Rest prayers are rejected.

The appeal disposed accordingly. Proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa