

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

Appeal No.213/2019/SIC-I

Shri Mahendra D. Dalvi,
A-3, Anant-Ratna Co-ope.Hsg.Sty.,
Khadpabandh, Ponda,Goa.

....Appellant

V/s

1. Member Secretary,
South Goa Planning and
Development Authority,
Margao, Goa.
2. Public Information Officer (PIO),
South Goa Planning and
Development Authority,
Margao, Goa.

.....Respondent

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

Filed on: 08/07/2019
Decided on:18/09/2019

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Mahendra D. Dalvi by his application dated 4/3/2019 sought for certain information on three points pertaining to proposed third road of 20 meters wide along with the rivulet Zareshwar flowing through the Ponda city .The said information was sought from the Respondent No. 2 the Public Information Officer (PIO), office south Goa planning and Development authority ,Margao-Goa in exercise of appellants right under sub-section (1) of section 6 of RTI Act. Vide said application the appellant intended to Know about i) the names of the members who had proposed the changes ,ii)the meeting in which the proposal for changes for put forward and iii) the reasons forwarded for the proposal .
2. It is the contention of the appellant that his above application filed in terms of sub section 1 of section 6 was not responded by the Respondent PIO herein within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st

appeal on 21/5/2019 in the form of letter before the respondent No.1 member secretary, being First appellate authority (FAA) interms of section 19 (1) of RTI Act,2005 .

3. It is the contention of the appellant that the Respondent No.1 First appellate authority also failed to provide information or act within the time limit and therefore a letter was made to this commission on 14/6/19 and in pursuant to said letter this commission vide letter 28/6/19 was pleased to direct appellant to file proper second appeal.
4. In this back ground, the appellant has approached this commission on 08/7/2019 in his 2nd appeal as contemplated u/s 19 (3) of the RTI Act on the grounds raised in the memo of appeal with the contention that the required information is still not furnished and thereby seeking relief of directions to Respondent No.2 PIO to furnish the information free of cost .
5. Notices were issued to both the parties. Appellant was present in person. Respondent No.1 FAA was absent. Adv Menino Pereira along with Adv Sushant Korgaokar represented Respondent No.2 PIO.
6. An application dated 2/8/19 was filed by the appellant addressed to Under Secretary Cum Registrar of Goa state Information Commission which was received by the office of this commission vide entry No. 1264 dated 6/8/19 intimating that respondent PIO have now despatched him the reply to his RTI application .
7. The Affidavit of Respondent No.1 Member secretary and affidavit in reply of Respondent No.2 PIO alongwith enclosures was filed on 9/9/2019 resisting the appeal .Additional Affidavit in reply was also filed by the Respondent No.2 PIO on 13/9/2019 then clearly answering his queries at para 5 and 6 pertaining to the information as sought by him vide application dated 4/3/2019.

The copy of both the replies along with the enclosures/information was furnished to the appellant.

8. During the hearing on 18/09/2019 the Respondent No.2 PIO provided appellant additional information which was to the satisfaction of the appellant and then appellant made endorsement on the memo of appeal withdrawing the present proceedings.
9. Since the available information have now been provided to the appellant, I find no intervention of this commission is required for the purpose of furnishing information hence prayer-(b) becomes infructuous .
10. It is seen from the records that then PIO has not acted with a conformity with the provisions of RTI Act. There is delay in furnishing the correct information and hence then PIO is here by admonished and directed to be vigilant henceforth while dealing with RTI matters. Any lapses found in future shall be viewed seriously.

With the above directions, the appeal 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