

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

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**Appeal No. 280/2018/SIC-I**

Shri Nikil M. Narvekar,  
H.No. 189/10 Durgawaddo,  
Duler Mapusa,  
Bardez Goa.

....Appellant

V/s

- 1) The Public Information Officer,  
Executive Engineer (RTI),  
Electricity Department,  
Vidhyut Bhavan, Panaji Goa.
- 2) First Appellate Authority,  
Superintending Engineer-II(N),Panaji,  
Electricity Department,  
Vidhyut Bhavan, Panaji Goa.

.....Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

Filed on: 21/11/2018

Decided on: 01/02/2019

**ORDER**

1. The second appeal came to be filed by the appellant Shri Nikil M. Narvekar on 21/11/2018 against the Respondent No.1 Public Information Officer of Electricity Department, Vidhyut Bhavan at Panajim and against Respondent no. 2 FAA under sub section (3) of section 19 of RTI Act 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 16/8/2018 had sought for certain information on 16 points as stated therein in the said application from the Respondent no 1. The said information was sought by the appellant in exercise of his right u/s 6(1) of RTI Act, 2005.
3. 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 no 1 PIO within stipulated time of 30 days nor any information furnished to him and as such he vide his letter dated 17/9/2018 again requested the Respondent no. 1 PIO to provide him the said information immediately free of cost.

4. It is the contention of the appellant that despite of his reminder dated 17/9/2018, the Respondent No. 1 PIO failed to provide him information as sought by him as such deeming the same as rejection, he filed first appeal on 26/9/2018 before the Respondent no. 2. First appellate authority.
5. It is the contention of the appellant that after he filed first appeal, he received a reply dated 1/10/2018 from Respondent No.1 PIO providing him information at point No. 10 and vide said reply he was also informed that remaining information will be furnished to him by the concerned offices as his application is transferred to the respective offices.
6. It is his contention that the information at point No. 1 to 9 and point No. 11 to 16 of his RTI application dated 16/8/2018 was not provided to him from the Head office as well as other Division of Electricity Department except Division IVX (Verna Plateau), Division XI Vasco and Division XVI of Aquem, Margao. It is his contention that he was told to pay and collect the information after the due date.
7. It is the contention of the appellant that Respondent no. 2. First appellate authority did not issue him notice of the hearing nor disposed his first appeal within stipulated time, as such he forced to file the present appeal.
8. In this background the appellant being aggrieved by the action of both the respondents, has approached this commission in the second appeal with as contention that complete information is still not provided and seeking order from this commission to direct PIO

to furnish the information and for invoking penal provisions as against both the respondents.

9. Notices were issued to both the parties. Appellant appeared in person. Respondent PIO Bharat Nigle appeared and filed reply on 9/1/2018, 23/1/2018 and 1/2/2019 alongwith the enclosures, thereby furnishing the information. Respondent no. 2 First appellate authority was represented by Shri Mallappa Hullalada assistant Engineer who placed on record the reply for Respondent no. 2 . The copies of all the replies was furnished to the appellant.
10. The appellant was directed to verify the information furnished to him by respondent No. 1 PIO. On verification of the same the appellant submitted that he has now received complete information as was sought by him and accordingly endorsed his say on the memo of appeal. However he vehemently pressed for invoking penal provision as against both the Respondents.
11. I have perused the records and also consider the submissions made on behalf of both the parties .
12. 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 –I becomes infructuous.
13. Now with regards to other prayers, it is seen that as per the records the application dated 16/8/2018 was filed and received by the office of respondent no 1 on 16/8/2018. U/s 7(1) of the Act the PIO is required to respond the same within 7 days from the said date. The Respondent PIO have not placed on records and documentary evidence of having adhere to section 7 of RTI Act. The letter dated 17/9/2018 addressed to the Respondent PIO by the appellant also reveals that till 17/9/2018 no information was furnished to him.
14. The records shows the piece mill information came to be provided to the appellant. Though the appellant had sought for information on

16 points only part of the information i.e point no. 10 came to be provided to the appellant only on 1/10/2018. Subsequently after the first appeal was filed by the appellant the information pertaining to division XIV of Verna came to be provided to the appellant. The PIO of Electricity Division XVI Aquem and of Division XI of Vasco vide their letter dated 30/10/201 and 9/11/2018 offered to furnish him the information after deposit of requisite fees. The remaining information came to be provided to the appellant before this commission on 9/1/2019,23/1/2019 and on 1/2/2019 .

15. Vide reply dated 17/12/2018 the Respondent no. 2 First appellate authority admitted of having received the first appeal on 26/9/2018 filed by the appellant herein pertaining to the RTI application dated 16/8/2018 and of having issued notices to the parties on 21/11/2018 directing them to be present and the matter was heard on 5/12/2018 at 3.00 pm. It was further contended that the appellant during the hearing informed him that he had already approached the Goa State information Commission and as such it is the contention of the Respondent No. 2 that he could not passed any appropriate order.

16. It is pertaining to note that the act came to existence to provide fast relief and as such the time limit is fixed under the Act to dispose the application u/s 6(1) within 30 day and to dispose first appeal within 45 days. Here the first appeal was filed on 26/9/2018 as such the Respondent no. 2 first appellate authority ought to have dispose the first appeal maximum within 45 days i.e by 10/11/2018. Respondent no. 2 first appellate authority have himself claimed that the notices were issued on 21/11/2018 to remain present on 5/12/2018. There is a delay in issuance of notice to the parties. The conduct on the part of the Respondent no. 2 first appellate authority is not in consolence with the provision of section 19(1) of RTI Act. Hence the first appellate authority is hereby directed to be vigilant while dealing with the RTI matter and to comply the provision in true spirit.

17. In view of above discussion , Considering the conduct of PIO and his indifferent approach to the entire issue , I find prima facie some substance in the argument of the appellant that the PIO purposely delayed in furnishing him complete information. Such allegation is proved would call for imposition of penalty against PIO . However before imposing penalty I find it appropriate to seek explanation from the PIO as to why penalty should not be imposed on him for delaying the information.
18. I therefore dispose the present appeal with order as under:

#### ORDER

1. Appeal partly allowed.
2. Since information being provided during the present proceedings, I find no intervention of this commission is required for the purpose of furnishing information.
3. Issue showcause notice to respondent PIO to showcause as to why no action as contemplated u/s 20(1) and/or 20(2) of the RTI Act, 2005 should not be initiated against him for contravention of section 7(1) of RTI act and for delay in furnishing complete information.
4. In case the PIO at the relevant time, to whom the present notice is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgment before this commission on or before the next date fixed in the matter alongwith full name and present address of the then PIO.
5. The respondent PIO is hereby directed to remain present before this commission on 20/2/2019 at 10.30am. alongwith written submissions showing cause why penalty should not be imposed on him.

6. Appeal proceedings disposed and closed accordingly. The registry of this commission is directed to open separate penalty proceedings.

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