

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

Appeal No. : 273/2019/SIC-I/

Mr. Paul Fernandes,
R/o. H. No. 4/39, Porba Vado,
Calangute, Bardez-Goa Appellant
v/s

1. Public Information Officer (PIO),
Electricity Department, Executive Engineer, Shri. Pradeep
Narvekar,
Division-IV, Mapusa, Bardez-Goa
2. The First Appellate Authority, Electricity Department,
Superintending Engineer-II (N), Vidyut Bhawan,
Panaji-Goa Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 20/08/2019

Decided on: 25/09/2019

ORDER

1. The second appeal came to be filed by appellant Shri. Paul Fernandes against Respondent No.1 Public Information Officer (PIO) of the Office of Assistant Engineer (Technical), Div-VI Mapusa, Bardez-Goa and against Respondent No.2 First Appellate Authority (FAA) under sub-section (3) of section 19 of the Right To Information Act, 2005.
2. The brief facts leading to the present appeal are as under:-
 - (a) In exercise of right under section 6(1) of RTI Act, 2005, the Appellant filed application on 13/05/2019 seeking certain information from the Respondent No.1 Public Information Officer (PIO) on several points as listed therein at point No. (1) to (5) in the said application mainly pertaining to Electricity Shutdown on 8/05/2019 till 11/05/2019.

- (b) The said RTI application of the appellant was responded by the Respondent No. 1 PIO vide letter dated 18/06/2019 interms of sub-section (1) of section (7) of RTI Act. Vide said reply the information submitted by the deemed ASPIO, i.e. by Assistant Engineer, Electricity, Sub Division-IV, Calangute to PIO vide letter No. TECH-71/A.E./SD.IV/2019-20/CAL/12 dated 17/06/2019 was furnished to the Appellant.
- (c) Being not satisfied with the said reply of Respondent No. 1, PIO dated 18/06/2019 and the information furnished to him, the appellant filed first appeal on 28/06/2019 before the Respondent No. 2, Chief Electrical Engineer, Electricity Department at Panjim, being First Appellate Authority interms section 19(1) of RTI Act, 2005. The said first appeal was registered as Appeal No. 19/2019-20.
- (d) The Respondent No. 2 FAA disposed the said appeal by an order dated 11/07/2019. By this order the Respondent No. 2, First Appellate Authority (FAA) allowed the said appeal and directed Respondent PIO to furnish complete information as requested by the appellant within a weeks time.
- (e) It is contention of the appellant that Respondent Public Information Officer (PIO) did not comply the order of Respondent No. 2, First Appellate Authority (FAA) and also did not furnish him the information as such he being aggrieved by the action of PIO, is forced to approach this Commission by way of 2nd appeal.

3. In this background the appellant has approached this Commission on 20/08/2019 in this second appeal on the grounds raised in the

memo of appeal, with the contention that complete information is still not provided and seeking order from this Commission to direct the PIO to take steps as may be necessary to secure compliance of the order passed by the Respondent No. 2 First Appellate Authority (FAA) as also invoking penal provisions for inaction on the part of PIO in complying with the provisions of the Act.

4. The Matter was taken up on board and was listed for hearing after intimating both the parties. In pursuant to the notice of this Commission appellant appeared in person. Respondent PIO Shri. Pradeep Narvekar was present alongwith ASPIO Shri Bento Barreto. Respondent No. 2 FAA was represented by Shri. Mallappa Hullalada.
5. Reply was filed by Respondent No. 1 PIO on 24/09/2019 alongwith the enclosures. The information provided to him by ASPIO, Assistant Engineer, Electricity, Sub-Division IV, Calangute at annexure 'D' was also enclosed to the said reply. Respondent No. 2 First Appellate Authority (FAA) also filed his reply on 24/09/2019. The copy of both the replies of Respondents alongwith the information was furnished to the appellant.
6. It was submitted by the PIO that the delay in providing information was not intentional and was due to unavoidable circumstances. It was further submitted that the order of First Appellate Authority (FAA) dated 17/07/2019 was forwarded to ASPIO being the deemed PIO and the custodian of the said information with a request to furnish the same. However, due to heavy monsoon in the season and since the deemed Public Information Officer (PIO) was busy in attending breakdowns and due to urgency of work failed to submit the information within the time limit.

7. On verification of the said information by the appellant, he submitted that his main intention was to receive correct and complete information and since now he being satisfied with the information provided to him during the present proceedings, he is not pressing for the penal provisions. Accordingly appellant endorsed his say on the last page of memo of appeal.
8. Since now the information is furnished to the appellant as per his requirement, I find that no further intervention of this Commission is required for the purpose of furnishing the information, hence prayer (1) becomes infructuous.
9. In view of the submissions and the endorsement made by the appellant, I find no reason to proceed with the matter and nothing survives to be decided in the present proceedings. Hence the proceedings stands closed.

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