

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

Appeal No.295/2019/SIC-I

Shri Jawaharlal T. Shetye,
House No.35/A, Ward No. 11,
Khorlim, Mapusa -Goa.

....Appellant

V/s

1) The Public Information Officer,
The Secretary,
Village Panchayat Taleigao,
Tiswadi-Goa.

2) First Appellate Authority,
The Block Development Officer,
Tiswadi Block at Junta House,
6th floor, Panaji--Goa

.....Respondents

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

Filed on:24/09/2019
Decided on:13/12/2019

ORDER

1. The appellant, Shri Jawaharlal T. Shetye has filed the present appeal on 24/9/2019 praying that the Information as requested by the appellant in his application dated 13/6/2019 be furnished to him correctly and for invoking penal provisions and compensation.
2. The brief facts leading to the second appeal as put forth by the appellant are as under:-
 - a. That the appellant, vide his application, dated 13/6/2019 addressed to the Respondent No.1 Public Information officer (PIO) of the office of Village Panchayat Taleigao-Goa requested to furnish information on 5 points as stated therein in a said application including inspection of records pertaining to the stop notice bearing reference No. VP/TLG/2019-20/593 dated 3/6/2019 issued by Village Panchayat of Taleigao to

Shri Mohamad Zaki Salami, r/o flat No. 41/16, T.R. Mansion St.inez Taleigao Goa with a subject "illegal operation of Restaurant and take away business in the Name and style as M/s, Savera Restaurant in Shop No. 6 & 7 bearing H.No. 23/77/4 and 23/77/5 on ground floor T.R Mansion St.Inez, Tonca, Taleaigao, Tiswadi-Goa." 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 not responded by the Respondent no 1 Public Information Officer (PIO) neither any information was furnished to him, as such the appellant filed 1st appeal on 8/8/2019 before Respondent no 2 office of Block Development officer at Panajim-Goa being first appellate authority interms of section 19(1) of RTI Act, 2005.

c. It is the contention of the appellant that the Respondent No. 1 filed his reply before the Respondent No. 2 thereby enclosing letter dated 12/7/2019 and the copy of the said was furnished to him on 20/8/2019.

d. It is the contention of the appellant that he vide letter dated 26/8/2019 requested the respondent No. 2 to furnish him the copy of the judgment and order passed in the first appeal bearing case no. 46/2019-2020 but the respondent No. 2 first appellate authority failed to provide him the same.

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 present during 2 initial dates of hearing and thereafter opted to remain absent . Respondent No. 1 PIO Shri Peter Martines was present . The Respondent No.2 First Appellate Authority (FAA) was represented by Shri Ramanand Naik.
5. Reply filed by Respondent PIO on 31/10/2019 and on 4/12/2019 alongwith enclosures. Reply also filed by respondent No. 2 on 31/10/2019. The copy of which along with the enclosures i.e information was furnished to the appellant.
6. The Respondent PIO submitted to consider his reply as his arguments. Opportunity was granted to appellant to file written synopsis but the same was not filed by the appellant.
7. The respondent PIO vide his reply submitted that information asked by the appellant is already given by him under letters dated 12/7/2019 and 18/7/2019. It was further contended that since the appellant mobile phone was not reachable hence the information was sent by Registered Post. It was further contended that as per the points mentioned in the application of the appellant, the respondent No. 1 has replied to the appellant. It was further contended that the available information has been given to the appellant and the appellant is making false allegations. It was further contended that track report also reveals that the information have been served on the appellant. His above contention is also supported by documentary evidence.
8. Vide additional reply filed on 4/12/2019 submitted that appellant has carried out the inspection of complete file bearing documents at pages 01 to 106 in Village Panchayat Taleigao on 11/11/2019

and in support of his contention he relied upon the copies of endorsement of appellant.

9. The respondent No. 2 first appellate authority submitted that the necessary order were passed by him on 20/9/2019 wherein he had directed to furnish the information.
10. The appellant since have not approached this commission with any further grievances pertaining to the information furnished to him, I presumed and hold that the same is furnished as per his requirement and to his satisfaction as such this commission is of the opinion that no further intervention of this commission is required for the purpose of furnishing the information and hence the prayer (i) becomes infructuas
11. 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 13/2/2019 was responded by the Respondent PIO on 12/7/2019 well within 30 days stipulated period of time. The Respondent PIO vide letter dated 18/10/2019 in compliance to the order of the first appellate authority provided him pointwise information. The inspection was also offered to the appellant which was carried out by the appellant during the pendency of the present proceedings.
12. The reply filed by the Respondent PIO appears to be probable and convincing as the same is supported documentary evidence and the averments made in the reply are not specifically disputed by the appellant. 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.

13. 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.

14. I do not find any merits in the present proceedings and as such liable to be dismissed which I hereby do.

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