

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No: 45/2019/SIC-II**

Shri Leslie D'Souza,  
H. No. E/B 158,  
Opp. Court, Altinho, Mapusa - Goa

**..... Complainant**

**v/s**

1. Public Information Officer,  
Mapusa Municipal Council,  
Mapusa – Goa. 403 507
2. First Appellate Authority,  
Chief Municipal Officer,  
Mapusa Municipal Council,  
Mapusa – Goa. 403 507

**..... Opponents**

**Relevant emerging dates:**

**Date of Hearing : 22-08-2019**

**Date of Decision : 22-08-2019**

**ORDER**

1. **Brief facts of the case** are that the Complainant has filed a Complaint case registered with the Commission on 05/07/2019 being aggrieved that despite the Order of this Commission dated 09/04/2019 remanding the matter back to the First Appellate Authority (FAA) for conducting fresh hearings and passing an order, the FAA has not done so even beyond the deadline 14/05/2019 and there is no order passed.
2. The Complainant has prayed to initiate the contempt proceedings against the FAA and PIO Mapusa Municipal Council and to take stringent action by imposing penalty @ Rs. 250 per day and penalizing the FAA on his dereliction of his duty and for direction to provide the information requested by the Appellant in the RTI application dated 18/07/2019 to be furnished free of cost.
3. **HEARING**: During hearing the Complainant is represented by his wife Hazel D'Souza and son Jonathan D'Souza. The APIO Shri. Vinay Agarwadekar, is present in person. The FAA is absent.

4. **SUBMISSIONS**: At the outset the representative for the Complainant submits that although the Appeal No.42/2019/SIC-II was remanded back by this Commission to the FAA for fresh hearing and for passing appropriate orders latest by 14<sup>th</sup> May 2019 and the FAA has neglected in performing the duty cast upon him under the RTI Act, 2005.
5. It is further submitted that he the Complainant had also visited the Office of the First Appellate Authority who is Chief Municipal Officer, Mapusa Municipal Council, Mapusa-Goa and got the excuse that the FAA is busy with other civic work and does not find time for the RTI matters. It is finally submitted that the PIO be directed to furnish the information sought in the RTI Application without any further delay.
6. The representative for the PIO, Shri. Vinay Agarwadekar submits that pursuant to the order of this Commission, the FAA had issued notice for hearing dated 29/07/2019.
7. **FINDINGS**: The Commission after hearing the submissions of the respective parties and perusing the record finds that the FAA has not conducted any hearing and it is not known as to why the notice was not dispatched to the Complainant. The Commission finds that there is no point therefore in remanding matter once again back to the FAA as the said authority does not seem to be interested in disposing the First Appeal cases a duty cast upon him under the RTI Act, 2005.
8. **DECISION**: The Commission accordingly directs the PIO to furnish the information immediately 15 days of the receipt of this order by speed post to the Complainant. The Commission has no power of contempt and as such the prayer of the Complainant stands rejected.

**With these directions the Complaint case stands disposed.**

All proceedings in Complaint case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-**  
**(Juino De Souza)**  
**State Information Commissioner**

