

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

Appeal No.49/2020/SIC-I

Nazareth Baretto,
H. No. 126, Borda,
Margao, Salcete-Goa, 403602

..... Appellant.

V/s

The Public Information Officer,
The Administrator of Comunidade,
South Zone, Margao, Salcete-Goa, 403601

..... Respondent

Filed on: 05/02/2020
Decided on: 14/07/2020

O R D E R

1. The brief facts leading to present proceedings are as under:-
 - a) The Appellant Shri Nazareth Baretto vide his application dated 19/08/2019 had sought certain information pertaining to Comunidade of Aquem on 8 points as stated in the said application. The said information was sought from Public Information Officer (PIO) of the Office of Administrator of Comunidades South Zone at Margao by the Appellant in exercise of his right u/s 6(1) of Right to Information Act, 2005.
 - b) It is contention of the Appellant that despite of he visiting the Office of Respondent on various occasion, the Respondent denied giving the information asked on some pretext or other as such he filed first Appeal interms of sub section (1) of section 19 of Right To Information Act on 18/10/2019 before the Collector of South-Goa District at Margao being First Appellate Authority (FAA) and his first appeal was registered as appeal No.48/RTI-Appeal / EST / AC – I / 2019.

c) It is contention of the Appellant that First Appellate Authority (FAA) vide order dated 29/11/2019 allowed his appeal and directed Respondent PIO to furnish the information free of cost to the Appellant.

d) It is contention of the Appellant that even after the lapse of two months from passing of the order the Respondent failed to provide the said information as directed vide order dated 29/11/2019 as such he being aggrieved by such an action of the Respondent, has been forced to approach this Commission on 05/02/2020 in the present proceedings.

2. In the present proceedings the appellant has sought for the direction to the Respondent PIO for providing information as sought by him vide his application dated 19/08/2019 and for invoking penal provisions.
3. The matter was taken up on board and listed for hearing. In pursuant to notice of this commission Appellant was present alongwith Advocate Umesh Mangeshkar. Respondent PIO represented by Shri Vivek Desai.
4. During the hearing on 14/07/2020 the Advocate for the Appellant submitted that information which was sought in the present proceedings vide RTI Application dated 19/8/2019 was also sought by Appellant vide his another RTI application dated 26/8/2019 and in respect to said application an appeal bearing No. 39/2020 was filed by Appellant before this commission and due information has been furnished to by Respondent PIO in Appeal No.39/2020. He further submitted that since he had received the information, he desires to withdraw the present Appeal proceeding. Accordingly endorsed his say on the memo of Appeal .
5. I have scrutinised the records available in the file and also consider the submission of both the parties.

6. On perusing the records of the present appeal viz-a-viz the appeal bearing NO. 39/2020, it is seen that same information was sought by the Appellant herein pertaining to same subject matter and the available information has been furnished to the Appellant in Appeal no. 39/2020 by the Respondent PIO vide forwarding letter No. ACSZ /120/RTI/2020 –2021/48 dated 3/7/2020.
7. The Hon'ble High Court of Panjab and Haryana at Chandigarh, Kamarjit Singh and Others V/s State Information Commission in CWP. No. 5456 of 2011 has held:-

"The State Information Commissioner, Punjab was right in declining supply of the same information time and again."
8. Since the Advocate for the Appellant have admitted of having received the same information in other parallel proceedings, by subscribing to the ratios laid down in Kamarjit Singh (Supra) case, the undersigned is of opinion that the same cannot be ordered to be provided a fresh .
9. Nevertheless in view of the submission and the endorsement made by the Appellant, I find no reasons to proceed with the present proceedings. Hence the appeal proceedings stands disposed and closed as withdrawn.

Pronounced in the open court. 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.

Sd/-
(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

