

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

Appeal No.78/2020 /SIC-I

Shri Jawaharlal T. Shetye
H.N. 35/A, Ward No, 11,
Near Sateri Temple, Khorlim,
Mapusa-Goa -403 507
V/s

....Appellant

1) The Public Information Officer,
The Manager, Accounts/Admin,
Goa State Horticultural Corporation LTD.,
Tonca, Caranzalem-Goa.

2) First Appellate Authority,
The Managing Director,
Goa State Horticultural Corporation,
Tonca, Caranzalem-Goa.

.....Respondents

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

Filed on:11/08/2020

Decided on:29/06/2020

O R D E R

1. The Appellant, Shri J.T.Shetye has filed present second appeal against Respondent No. 1 Public Information Officer (PIO) of Goa State Horticulture Corporation Ltd.,Tonca, Caranzalem, Goa and against Respondent No. 2 The First Appellate Authority (FAA), praying that the information as requested by him in his application dated 18/11/2019 at point number 1 and 4 be furnished to him correctly and completely, free of cost and for invoking penal provisions and for implementation of provision of section 4(1) (a) and (b) of RTI Act 2005 in true spirit.

2. The brief facts leading to present appeal are as under:-

a)The Appellant vide his application dated 18/11/2019 had sought for certain information, on 4 points as listed therein in the said application mainly pertaining to his representation dated 30/10/2019 against the Horticulture shop, near Tarak stationary shop at Khorlim Mapusa-Goa, runned by Anita A. Mayekar. The said information was sought from Respondent

no.1 PIO by the Appellant in exercise of Appellant's right u/s 6(1) of Right to Information Act, 2005. The copy of the said complaint/representation dated 30/10/2019 was annexed to said application by the Appellant for ready reference.

b)It is contention of the Appellant that his above application was responded by Respondent No. 1, PIO vide her letter bearing No. 1/3 (9)/GSHCL/2019-20/2561, dated 18/12/2019 interms of subsection (1) of section 7 thereby enclosing copies of the documents to his queries at serial No. 1,3 & 4 and he after scrutinising the said information was not satisfied with the same and therefore preferred first appeal on 1/1/2020 interms of sub section (1) of section 19 of RTI Act before the Managing Director of Goa State Horticulture Corporation Ltd. being First appellate authority.

c)It is contention of the Appellant that The Respondent No. 2 FAA did not disposed his first Appeal as such he vide his application dated 12/2/2020, requested the First Appellate Authority to furnish the copy of the judgment cum order passed by him, disposing first appeal filed by him however till date the copy of the Judgment cum order have not been furnished to him and hence he being aggrieved by the action of both the Respondents, has been forced to approached this commission on 11/3/2020 in the second appeal as contemplated under sub section (3) of sub section 19 of RTI Act 2005

3. In this background the present appeal has been filed 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 Respondent PIO, for providing information at point 1 and 4 as sought by him vide application dated 18/11/2019, free of cost and for invoking penal provision against Respondents PIO and for implementation U/s 4(1) (a) and (b) of RTI Act, 2005 in true spirit.

4. The matter was taken up on board and listed for hearing. In pursuant to notice of this commission, Appellant was present in person. Respondent PIO Mrs. Mugdha Naik appeared. Respondent No.2 FAA Shri Sandeep Faldesai was also present.
5. The Appellant during the hearing on 29/6/2020 submitted that he has no further grievance with respect to information furnished to him and he is satisfied with the information furnished to him by Respondent no. 1 PIO vide letter dated 18/12/2019. He further showed his desire to withdraw the present Appeal proceedings on the ground that the Respondent has assured him that, upon his fresh complaint an appropriate action will taken by conducting the site inspection. Accordingly he endorsed his say on memo of appeal.
6. In view of the endorsement made by the Appellant for withdrawal of the Appeal proceedings, I find no reasons to proceed with the present proceedings .
7. Before parting, it needs to mention that the RTI Act came into existence to provide fast relief as such the time limit is fixed to provide the information within period of 30 days and to dispose the first appeal maximum within 45 days and to transfer the application interms of section 6(3) within 5 days.
8. It is seen that as per the records the first appeal was filed on 01/01/2020. The Respondent ought to have disposed the same maximum within 45 day i.e approximately by 16/02/2020. However the same was not disposed till filing of the second Appeal. Apparently the Respondent No. 2 First Appellate Authority has not acted in conformity with the provisions of RTI Act.
9. The Respondent No. 2 First Appellate Authority is hereby directed henceforth to comply with the provision of RTI Act in true spirit and to dispose the first appeal within stipulated time as contemplated under section 19(6) of RTI Act.

10. This Commission is aware of the practical difficulties faced by the Respondents. The officer of the public authority have other duties also and the duties to be discharged by them as PIO and First Appellate Authority is an additional duty. The dealing with the request for information is a time consuming process. If the public authority concerned herein if undertakes such exercise of compliance of section 4(1) and (b), then the public and the information seekers will have minimum resort to the use of this Act to obtain information in physical form by filing applications.
11. The Public Authority concerned herein i.e The Goa State Horticulture Corporation Ltd., Tonca, Caranzalem-Goa is hereby directed to comply with section 4 of Right To Information Act, 2005 within 6 months in case the same is not yet complied.

With above direction the appeal 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