

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

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**Appeal No. : 155/2019/SIC-I/**

Sushant P. Nagvenkar,  
H. No. C-312, Fondvem,  
Ribandar, Goa-403006  
v/s

..... Appellant

1. Public Information Officer,  
Office of the Chief Electrical Office,  
Vidyut Bhavan, Panaji-Goa.
2. Shri. Xavier Fernandes, Executive Engineer,  
C.V.C. , Office of the Chief Electrical Engineer,  
Vidyut Bhavan, Panaji.
3. First Appellate Authority (FAA),  
S. E. II (N), Vidyut Bhavan, Panaji-Goa

....Respondents

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

Filed on : 30/05/2019  
Decided on: 13/01/2020

**ORDER**

1. The brief facts leading to the second appeal as put forth by the appellant are as under:-
  - a. That the appellant, in exercise of his right of sub-section(1) of section 6 of RTI Act, 2005, vide his application, dated 21/12/2018 addressed to the Respondent No.1 Public Information officer (PIO) of the office of Chief Electrical Engineer at Panajim-Goa requested to furnish following information on 2 points as stated therein in the said application including inspection of the records pertaining to his grievance dated 5/11/2018 and subsequent reminders dated 10/12/2018 .
  - b. It is the contention of the appellant that his above application filed in terms of sub section(1)of section 6 was responded by the Respondent no 1 Public Information Officer (PIO) on 03/01/2019 ,wherein he was told to make available the copy of the grievance and to inform his contact number.

Vide said reply he was also requested to submit a fresh copy of application alongwith the above documents, as such deeming the same as rejection and being not satisfied with the said reply, he filed 1<sup>st</sup> appeal on 18/01/2019 before Respondent no 3, first appellate authority in terms of section 19(1) of RTI Act, 2005, who disposed the said appeal vide order dated 27/2/2019 presuming that the information was provided as agreed by the Respondent no.1 PIO .

c. It is the contention of the appellant that he being aggrieved by the action of Respondents herein and as the Respondent no.1 PIO failed to furnish him the information as sought by him, has been forced to approach this commission by way of second appeal.

2. In the above background the appellant being aggrieved by action of Respondents has approached this Commission on 30/05/2019 in this second appeal u/s 19(3) of the RTI Act on the grounds raised in the memo of appeal with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish him the information.
3. 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 in person. Respondent No. 1 PIO Shri Rajiv Samant and Shri Shailesh Naik Bhure was present. The Respondent No.2 was represented by Shri Mayur Hede Respondent No. 3 First Appellate Authority (FAA) was represented by Mrs. Dipika Sawaikar
4. Reply was submitted by Respondent No. 1 PIO with the registry of this commission alongwith enclosures on 21/6/2019 and on 28/10/2019. Affidavit filed by Respondent no. 2 on 29/8/2019 and on 28/10/2019 Reply filed by respondent No. 3 on 24/6/2019 alongwith enclosures .

5. Affidavit also came to be filed by Appellant on 16/9/2019 and also written final arguments on 24/12/2019.
6. It was contention of the Appellant that he has sought the inspection of complete file movement on his grievance processing including the noting sheet however he was only initially given some photo copies and the bunch of documents as a file without any noting sheet. It was further contended that the Respondent No. 2 had acted on his RTI application arbitrarily disregarding the contents of his request and without bringing out the fact that he is not the custodian of the information but the divisional and the sub-divisional Offices are. It was further contended that the Respondent No. 3 in abuse of her administrative powers had prevailed upon her subordinates to act in a manner contrary to her duty and not recognized by law.
7. On the other hand the Respondent No. 1 PIO vide his replies have submitted that the RTI application was transferred to executive Engineer O/o the Chief Electrical Engineer vide letter dated 13/02/2019 and their assistance was sought under section 5(4) and 5(5) of RTI Act, 2005 and in pursuant to which the Executive Engineer (Central Vigilance Cell) vide his letter dated 20/02/2019 submitted the information containing pages 1/C to 72/C pertaining to the Complainant which was intern submitted to the Appellant vide letter dated 6/03/2019 but since the appellant insisted for inspection of file and selected additional 28 number of pages, the same were also furnished to him vide letter dated 20/03/2019.
8. The Respondent No. 2 contended that he had furnished the information to the appellant in 36 folios numbered 1/C to 72/C vide letter dated 20/02/2019 without any deliberate and conscious attempt to suppress any information as claimed by the Appellant and since the Appellant was not satisfied with the information, the file containing all correspondences and maintained in the Office of

CVC was handed over to SPIO vide letter dated 6/06/2019 for inspection of the file by the appellant and also he had informed to the SPIO that the other information sought by the Appellant for the period from 2004 shall be available with the concerned division/sub-divisional office, they being the Custodian of the same.

9. During the hearing before this commission the Respondent No. 1 PIO showed his willingness and undertook to call the remaining file/records pertaining to the information sought by the Appellant from the respective Offices and also undertook to provide inspection of the originals to the Appellant.
10. Accordingly on the subsequent date of hearing i.e on 13/01/2020, appellant submitted that he has carried the inspection of the files and due information have been received by him. The appellant also did not press for penal provision accordingly endorsed his say on the memo of appeal.
11. Since the information has now been furnished to the appellant as per his requirement , I find that no further intervention of this Commission is required for the purpose of furnishing information and hence prayer (a) becomes infructuous. In view of the submissions and endorsement made by the appellant, I find no reasons to proceed with the matter.

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