

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 43/2020/SIC-II

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

..... Appellant.

V/s

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

..... Respondent

Filed on : 05/02/2020

Decided on : 23/07/2021

Relevant dates emerging from appeal:

RTI application filed on	: 19/08/2019
PIO replied on	: nil
First appeal filed on	: 18/10/2019
FAA order passed on	: 29/11/2019
Second appeal received on	: 05/02/2020

ORDER

1. The Appellant Shri. Nazareth Baretto R/o Borda Margao Goa vide his application dated 19/08/2019 under RTI Act 2005 had sought 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), The Administrator of Comunidades, South Zone, Margao Goa by the Appellant.
2. It is contention of the Appellant that on various occasions the Appellant visited the Office of the Respondent but the Respondent denied the information on some pretext or the other. Aggrieved by non response of the PIO the Appellant filed first Appeal before the

First Appellate Authority (FAA). The FAA vide roznama order dated 29/11/2019 directed the PIO to furnish information free of cost to the Appellant.

3. It is contention of the Appellant that even after more than 2 months from passing of the order by the FAA Order the Respondent PIO failed to provide the information as directed by the FAA.
4. Being aggrieved by the non furnishing of information, the Appellant filed second Appeal before the Commission on 05/02/2020. The matter was taken up on board and listed for hearing. Pursuant to the notice issued by the Commission, the Appellant remained present and the Respondent PIO was represented by Shri. Vivek Desai.
5. The matter could not be heard for some period as the then Commissioner demitted Office. After joining of the new Commissioner, fresh notice was issued and matter was taken up on 23/03/2021. Appellant was present in person, whereas Respondent PIO was absent. In the meanwhile, the PIO had filed reply dated 8/10/2020, stating that the information which was sought in the RTI application dated 19/08/2019 was also the subject matter of Appeal No. 39/2020 and also Appeal No. 49/2020. Both the said Appeals were decided and disposed as withdrawn since the desired information is already furnished to the Appellant in Appeal No. 39/2020 by the Respondent. Hence the Respondent PIO requested the Commission to drop the Appeal and close the present proceedings.
6. On the other hand, the Appellant filed rejoinder dated 6/05/2021 received in the Commission office on 07/07/2021. The Appellant acknowledged the fact that the Appeal No. 39/2020 and Appeal No. 49/2020 are similar to Appeal No. 43/2020 which is the subject matter in this case. However, Appellant contended that the Respondent has provided only part information. Therefore the

Appellant prayed that the Respondent be directed to provide the information sought in terms of his application dated 19/08/2019.

7. The Commission has perused the reply and submissions made by the Appellant as well as the Respondent. The Commission has also verified the proceedings available in the office with respect to orders passed in Appeal No. 39/2020/SIC-I and Appeal No. 49/2020/SIC-I. It is noticed that the information sought by the Appellant in all the above mentioned three Appeals is the same and the available information has been furnished to the Appellant in Appeal No. 39/2020 by the Respondent PIO. The Appellant also has acknowledged the receipt of the said information.
8. The Appellant during the hearing on 23/07/2021 admitted having received the said information in earlier proceeding in Appeal No. 39/2020/SIC-I and has given his endorsement on the appeal memo to withdraw the appeal 43/2020.
9. In a similar matter, in the case of Madan Lal Mirg V/s Ministry of Home Affairs, New Delhi, CIC/AT/A2006/00105 dated 30/06/2005 the Central Information Commission has ruled that once information is already furnished no further queries can be accepted.
10. The Hon'ble High Court of Panjab and Haryana at Chandigarh, in CWP. No. 5456 of 2011, Kamarjit Singh and Others V/s State Information Commission, has held:-

"The State Information Commissioner, Punjab was right in declining supply of the same information time and again."

11. In view of the endorsement given by the Appellant and by subscribing to the ratio laid down by Hon'ble High Court of Panjab and Haryana in Kamarjit Singh (Supra) case, the Commission is of the opinion that the same information cannot be ordered to be provided a fresh.
12. Since the Appellant has withdrawn the Appeal by recording his endorsement on the Appeal memo, I find no reason to proceed with the present proceedings. Hence the Appeal proceedings stand dismissed as withdrawn and closed.

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/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa