

GOA STATE INFORMATION COMMISSION

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

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Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 102/2021/SIC

Shri Jawaharlal T. Shetye,
r/o. H. No. 35/A, Ward No. 11,
Khorlim, Mapusa Goa.

..... Appellant

v/s

1. The Public Information Officer,
ME-II, Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa – Goa.

2. The First Appellate Authority,
The Chief Officer, Kabir Shirgaonkar,
Mapusa Municipal Council,
Mapusa – Goa.

..... Respondents

Filed on : 27/04/2021

Decided on : 17/09/2021

Relevant dates emerging from appeal:

RTI application filed on	: 05/11/2020
PIO replied on	: Nil
First appeal filed on	: 17/12/2020
First Appellate Authority Order passed on	: 28/01/2021
Second appeal received on	: 27/04/2021

ORDER

1. The Second Appeal filed under section 19 (3) of the Right to Information Act 2005, (RTI Act), by Shri Jawaharlal T. Shetye, against Respondent No. 1, Public Information Officer (PIO), ME-II, Shri Vyankatesh Sawant, Mapusa Municipal Council, Mapusa Goa and Respondent No. 2, First Appellate Authority (FAA), Chief Officer Shri Kabir Shirgaonkar, Mapusa Municipal Council, Mapusa Goa, came before this Commission on 27/04/2021.

2. The brief facts leading to second appeal, as contended by the Appellant are :-

a) That the Appellant vide application dated 05/11/2020 sought from PIO u/s 2(j)(i) inspection of the entire file

records/documents from PIO's office pertaining to the project of commissioning of Garbage Treatment Plant at Cunchelim – Mapusa, Goa.

b) That the PIO did not furnish information within the stipulated period and the Appellant filed First Appeal dated 17/12/2020 before the FAA which came to be disposed by Order dated 28/01/2021 with direction to PIO to furnish information within 30 days. However the PIO failed to comply with and therefore the Appellant preferred second appeal before this Commission with various prayers such as furnishing of information, penalty u/s 20(1) and 20(2) and compensation.

3. The matter was taken up on board and parties concerned were notified. Pursuant to the notice issued by the Commission, the Appellant appeared and brought to the notice of the Commission, the failure of PIO to furnish information and comply order of the FAA. Later, the PIO appeared and submitted that he has facilitated inspection as desired by the appellant on 17/08/2021 at 3.00 p.m.
4. The PIO subsequently filed a submission stating that he made all possible efforts to furnish information to the Appellant by issuing memos to the concerned deemed PIO/APIO. A copy of this was furnished to appellant as well.
5. It is seen from the records that the PIO Shri Vyankatesh Sawant issued a memorandum dated 27/01/2021 to Smt. Nazeera Sayed, Head Clerk and Mr. Vinay Agarwadekar, APIO both of Mapusa Municipal Council, asking them to serve this memorandum to the concerned staff and ensure to that information is provided immediately to the Appellant or to the PIO.

6. From this correspondence and the events that have unfolded, it appears that the concerned staff including Assistant Public Information Officer of Mapusa Municipal Council has not processed the RTI application expeditiously to ensure furnishing of information within the stipulated period. The PIO and FAA must ensure that the concerned staff including the APIO takes RTI application with sufficient seriousness.
7. As per the submission dated 06/09/2021 and 17/09/2021 by the PIO, Appellant has visited his office for inspection of project of commissioning of Garbage Treatment Plant at Cunchelim, and has collected desired documents from the file.
8. PIO has facilitated the inspection to the Appellant and has furnished information, though after the expiry of the stipulated period. However, the PIO has never denied the information to the Appellant, therefore no malafide can be attributed to the delay.
9. Therefore, I disposed this matter with the following order :-
 - (a) As the information has been furnished to the Appellant, no more intervention of the Commission is required and the prayer for information becomes infructuous.
 - (b) Rest all prayers are rejected.
 - (c) The proceedings stand 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