

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 139/2020/

Mr. Nitin Y. Patekar,
Oshalbag, Dhargal,
P.O. Colvale Goa, 403513

....Appellant

V/s

1) The Public Information Officer (PIO),
Flying Squad Section,
Dy. Collector (DRO),
Collectorate, North Goa,
Panaji-Goa.

2) The First Appellate Authority (FAA),
Additional Collector-II,
Collectorate, North Goa,
Panaji-Goa

....Respondents

Filed on : 11/09/2020

Decided on : 26/07/2021

Relevant dates emerging from appeal:

RTI application filed on	: 8/06/2020
PIO replied on	: 01/07/2020
First appeal filed on	: 16/07/2020
FAA order passed on	: Nil
Second appeal received on	: 11/09/2020

ORDER

1. The Appellant, Shri. Nitin Y. Patekar R/o. Dhargal Goa vide application dated 8/06/2020 under section 6(1) of the Right to Information Act 2005 (for short RTI Act) , sought information from Respondent No. 1 PIO, flying squad section, deputy Collector (DRO), Collectorate Panaji-Goa on following points:-

- a) Furnish the status/action report of order No. DC (DRO)/F-Squad/North/ Pernem-05/2020/93 dated 25/05/2018.
- b) Furnish the checklist of Order No. as per point No. 1.

- c) Furnish the showcause notices issued by flying squad team from 1/06/2020 to till date.
 - d) Furnish the entire record of Order No. as per point No. 1.
 - e) What kind of rights given by the Goa Govt. to flying squad team.
 - f) When the flying squad forms and what is the work of flying squad.
2. It is the contention of the Appellant that the Respondent No. 1 PIO did not furnish information within the stipulated period of 30 days. Therefore, the Appellant filed first Appeal before the Respondent No. 2 FAA, Additional Collector-(I), Collectorate, North Goa, Panaji-Goa. It is the contention of the Appellant that the FAA did not hear the Appeal and did not pass any order on the Appeal.
 3. It is the contention of the Appellant that aggrieved by the non action of PIO and FAA the Appellant filed Second Appeal before the Information Commission on 11/09/2020.
 4. The matter was taken up on board by the Commission and notices were issued to the concerned parties and was listed for hearing. Pursuant to the notice issued by the Commission, the Appellant chose to remain absent throughout the proceedings. Where as Respondent No. 1 the then PIO Shri. Sagar Gaude and the present PIO Ms. Veera V. Nayak were represented by Ms. Sangeeta Kankonkar under authority letter.
 5. Respondent No. 1 PIO filed reply alongwith enclosures containing information sought by the Appellant. It is noted that the RTI application dated 08/06/2020 was replied by the then PIO Shri. Sagar Gaude on 01/07/2020, requesting the Appellant to collect the pointwise information from the office of the Respondent PIO. However, the Appellant claimed in his first Appeal that he did not receive the said reply of the PIO.

6. Respondent No. 1 the then PIO Shri. Sagar Gaude vide reply dated 1/10/2020 filed before this Commission stated that the Respondent PIO has acted within the provisions of the Act and has furnished the information to the Appellant, hence the Appeal may be dismissed.
7. In the meanwhile, the then Commissioner demitted the Office and the matter was kept in abeyance. The Appellant Shri. Nitin Y. Patekar visited the Commission Office during this period and collected the documents sought by him under RTI application dated 08/06/2020.
8. After the new Commissioner took over, the matter was called for hearing, the representative of Respondent No. 1, present PIO Ms. Veera V. Nayak appeared and stated that the information has been furnished and the Appellant has collected the same. Hence the Respondent No. 1 PIO prayed for the disposal of this Appeal.
9. Upon perusal of the Appeal memo and replies filed by the Respondent the Commission has arrived at following findings:-
 - i) Information sought by the Appellant vide RTI application dated 8/06/2020 has been furnished in the Office of the Commission and is already collected by the Appellant.
 - ii) The said information was kept ready within the stipulated period of 30 days by the Respondent PIO, but then was not collected by the Appellant, as he claimed non receipt of the reply of PIO.
 - iii) There is no evidence attributing malafide on the part of the Respondent PIO. Therefore, the facts and the circumstances of the present case doesnot warrant levy of penalty on the Respondent PIO.

10. In the facts and circumstances of the present case it is aptly clear that the PIO has furnished the information and the Appellant has collected the same to his satisfaction. Hence the prayer for information becomes infructuous.

11. Accordingly the Appeal is disposed and proceeding stands 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