

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 164/2021/SIC

Master Sousa Leonardo Caetano,
Sao Bras, Gaundalim, Tiswadi,
Post Office Marcela,
Ilhas Goa -403107

.....Appellant

V/s

1. Public Information Officer (PIO),
Office of District Collector,
North-Goa, Panaji-Goa
2. The First Appellate Authority (FAA),
Office of Additional Collector-I,
North Goa, Panaji-Goa

..... Respondents

Filed on : 26/07/2021

Decided on : 30/12/2021

Relevant dates emerging from appeal:

RTI application filed on	: 30/10/2020
PIO replied on	: 24/11/2020
First appeal filed on	: 18/03/2021
FAA order passed on	: Nil
Second appeal received on	: 26/07/2021

ORDER

1. The brief facts of this Appeal, as contended by the appellant are that the appellant vide application dated 30/10/2020 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought information on 6 points from Respondent No. 1 Public Information Officer (PIO). The PIO vide reply dated 24/11/2020 furnished information on point No. 1 and 2 and transferred the application under section 6(3) of the Act to the Mamlatdar of Tiswadi. Considering this as denial of information the appellant filed appeal dated 18/03/2021 before Respondent No. 2 First Appellate Authority (FAA). The appellant did not receive any order/decision from the

FAA within the stipulated period and being aggrieved, filed second appeal dated 26/07/2021.

2. The matter was taken on board and notice was issued to the concerned parties. The appellant appeared in person pressing for the remaining information. However, the PIO and the FAA did not appear even once, neither any reply is filed on their behalf.
3. The appellant while arguing for the remaining information stated that the PIO has furnished the information sought under point No. 1 and 2 and transferred the application to the Mamlatdar for furnishing information under point no. 3,4 and 5. Hence the Respondent PIO is required to provide him the information under point No. 6 of his RTI application.
4. Since the PIO and the FAA did not appear, nor filed any say, the Commission has relied on the available records of the case. After perusal of the appeal memo and appellant's arguments it is seen that the appellant vide application dated 30/10/2020 sought information on 6 points. The PIO vide letter dated 24/11/2020 furnished information on point no. 1 and 2 and regarding point no. 6 stated that the data is not available in the desired format. The PIO further stated that he has transferred the application to the Mamlatdar of Tiswadi under section 6(3) of the Act for information at point no. 3, 4 and 5.
5. Pertaining to the information sought under point No. 6, the PIO has not sought exemption under section 8 of the Act, or not rejected the information under section 9 of the Act.

Section 7(9) of the Act reads:-

"An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question."

With respect to the above mentioned provision, the PIO could have furnished the information on point no. 6 as it exist in his office or could have offered inspection of relevant records to the appellant.

6. As a consequence, the Commission concurs with the prayer of the appellant for the remaining information on point No. 6. The PIO has furnished the information under point no. 1 and 2 and transferred the application to Mamlatdar of Tiswadi for information on point no. 3, 4, 5. Therefore the PIO is required to furnish the information sought by the appellant at point no. 6, in whatever form available.

7. In the light to above discussion and after considering the facts of this case the present appeal is disposed with the following order:-

- (a) The PIO is hereby directed to furnish information as available in the records, with respect to point No. 6 of application dated 30/10/2020.
- (b) The PIO and the FAA are directed to deal with RTI applications and appeal respectively, filed under the Act, diligently, in tune with the spirit of the Act.

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