

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

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Appeal No.185/2020/

Smt. Rajmi Narvekar,
Raj Richa, Peddem,
Mapusa-Goa.

.....Appellant

V/S

1.Public Information Officer
Executive Engineer, Division VI,
Electricity Department,
Mapusa-Goa.

2.First Appellate Authority
Superintendent Engineer,
Electricity Department,
Vidhyut Bhavan,
Panaji –Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 05/11/2020
Decided on: 25/08/2021

FACTS IN BRIEF

1. The Appellant, Smt. Rajmi Narvekar, r/o Raj Richa, Peddem, Mapusa-Goa, filed her objection letter being third party application before designated, Public Information Officer, the Executive Engineer, Div-VI, Electricity Department, Mapusa-Goa, requesting not to furnish the information to Shri. Kaushal Dilip Naik, Smt. Siddi Kaushal Naik, Shri. Dilip Naik and Shri. Jawaharlal Shetye by her letter dated 14/02/2020.
2. In the said third party application, she alleged that above mentioned persons are misrepresenting and misusing the Government Departments to extort the money as they do not have locus standie or that they are not aggrieved person to seek any information about her premises and properties.

3. Said third party application was replied by PIO on 20/02/2020, requesting therein the third party to remain present for the hearing in the chamber of PIO on 26/02/2020 at 04:00 pm.
4. As the third party failed to attend the hearing on 26/02/2020, the PIO decided the application of the third party and same is conveyed to the third party by letter dated 03/03/2020.
5. Aggrieved with the reply of PIO, the third party filed the first appeal before Superintendent Engineer of Electricity Department, Panaji Goa being the First Appellate Authority (FAA).
6. FAA by its order dated 23/10/2020 dispose the matter with the reasoning that information sought by the applicant is not confidential information as it is in the public domain and directed the PIO to furnish the information to applicant.
7. Not satisfied with the order of FAA, the third party filed this second appeal under sec 19(3) of the Act before this Commission and prayed that order of FAA be quashed and set aside and directions may be issued to decline the information sought for.
8. Notice was issued to the parties, pursuant to which PIO appeared and filed his reply on 19/04/2021, FAA also remained present but opted not to file any reply in the matter.
9. According to the reply of PIO, he received application under sec 6(3) of RTI Act from Jawaharlal T. Shetye on 05/02/2020 seeking various information from Point No. 1 to 5.

Thereafter he received third party application on 14/02/2020 objecting to furnish the information to applicant Jawaharlal Shetye and others.

10. PIO replied to the said third party on 20/02/2020, requesting her to remain present for hearing in the chamber of PIO on 26/02/2020 at 04:00 pm.

In spite of the opportunity granted to third party, she did not appear for hearing and filed another application through entry registry on 26/02/2020.

After examining the issue PIO decided to provide the information to Jawaharlal Shetye and accordingly informed the third party vide letter dated 03/03/2020.

PIO further submits that, he did not furnish any information to the applicant till date, except at information at point No. 1 which is not related to third party. He temporarily withheld the said information till the disposal of present appeal.

11. Perused the pleadings, scrutinise the records and heard the submissions of parties.
12. Learned Counsel Adv. A.P. Sawant appearing on behalf of third party argued that information sought by on Jawaharlal Shetye is personal information of third party and her family. In view of sec 8 (1)(J) of RTI Act, the same is exempted from disclosure. Besides no larger public interest is shown by the applicant, while seeking information.

He further argued that, there is enmity between parties and civil suit is pending in the court of Civil Judge Senior Division at Mapusa between third party and one Dilip Naik and his family and present applicant, Shri. Jawaharlal Shetye wanted to take revenge of it. The attitude of the applicant is only to harass and target the family of third party.

He also argued that, it is mandatory on the part of PIO to issue the notice under sec 11 of the Act to the third party within five days from the date of receipt of application. Since PIO herein has failed and neglected to issue such notice, and follow the required procedure the third party application be allowed. He

also argued that there is no semblance of any larger public interest involved in any of the information sought. He also relied upon citations of High Court of Delhi in Harish Kumar v/s Provost Marshall cum Appellate Judgement & Ors L.P.A. 253/2012 and Judgement of CIC in Nikhil Kumar Singh v/s CBSE (CIC/RM/204/000971-SA).

13. PIO argued that, he received the application from third party on 14/02/2020 objecting to furnish information, he notified within five days to the third party and requested to remain present in the office on 26/02/2020, and therefore he acted diligently in the matter. Since the RTI Act is legally enforceable with timeliness he has disposed matter within time frame.

14. The case of the Appellant/ third party is that, the information is a personal and confidential information and therefore exempted under sec 8(1)(J) of the Act.

Sec 8(1)(J) reads as under :

"Exemption from disclosure of information.

_____ (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,____

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

Thus from reading of above provision of law, Personal information is exempted from disclosure.

15. On perusal of application dated 05/02/2020 filed by the applicant Jawaharlal Shetye before PIO, the information sought at point No. 1 with respect to Raihamat Bi Sheikh r/o H.No. 50, Morod, Mapusa Goa, admitting same is not related to third party.

At point No. 2, the applicants is seeking the copies of correspondence letters inwards in the office of Public authority by the third party.

At point No. 3, the applicant is seeking the copies of complaint and grievances letter inwards by third party against the applicant.

At Point No. 4, applicant seeking copies of all correspondence letters inwards in the office of public authority by the third party and others and

At Point No. 5, applicant is seeking the copies of written correspondence, letters in pursuant to releasing the electricity connection or disconnection notices issued by public authority to its consumer third party.

16. Considering the nature of the information sought at Point No. 2,3,4 and 5, the information relates to the correspondence of the PIO either with the applicant or/ third party. Same is generated by public authority in exercise of its public duties and functions. Particularly information at point No. 3 seeks complaint and grievances letters inwards in the office against the applicant and another by the Appellant herein. This information can neither be called as third party information nor can be considered as personal information, as the same pertains to RTI applicant himself. Moreover, the objection of the Appellant do not justify the non-

disclosure nor do they reasons at any point to clear that it is related to properties or premises of third party or a personal information. The Appellant has not pointed out that disclosure of information would cause lose/harm/injury to the Appellant.

17. Section 11 of the RTI Act deals with disclosure of information in relation to third party. If the PIO intends to disclose any information which is related third party, the PIO is under the obligation to give written notice to such third party within five days from the receipt of request for information. Section 11 prescribes a procedure which enables the PIO to take fair and just decision after following principles of natural Justice. The PIO in this case granted an opportunity to the third party, however third party did not appear before the PIO office on 26/02/2020 accordingly the PIO decided the matter with fair and just manner.

18. Adv. Sawant relied upon the Judgement of Hon'ble High Court of Delhi, Harish Kumar v/s Provost Marshall cum Appellate Authority & Ors and another Judgement of CIC, Nikhil Kumar Singh v/s CBSE, however the same are distinguishable and not relevant to this matter. The case of Girish Ramchandra Deshpande v/s Central Information Commission & Ors 2012 (6) ALL MR 442(SC) relied on is also not applicable in the present case, as the facts in the said case are not similar to the facts of the instant case.

In the light of the above discussion, I hold that the information which has been objected from disclosure by the third party is neither personal nor confidential, as the information sought for is relating to correspondence with public authority and in public domain.

Therefore I am unable to grant the relief prayed by third party and interfere in the order of FAA.

In the aforesaid circumstances I disposed the appeal with the following :

O R D E R

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner