GOA STATE INFORMATION COMMISSION

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Appeal No. 208/2020

Shri Mahesh Kamat, CD Seasons Co-op Housing Society, Blossom 101, Murida, Fatorda Goa.

-----Appellant

v/s

Public Information Officer, Shri. Sanjay Ghate, Kadamba Transport Corp. Ltd., 'Paraiso De Goa Building', Alto, Porvorim-Goa.

-----Respondent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-07/12/2020 Decided on:-20/08/2021

FACTS IN BRIEF

- 1. That the Appellant, Shri. Mahesh Kamat vide application dated 28/11/2019 sought certain information under sec 6(1) of the Right to Information Act 2005, (Act for short) from Public Information Officer (PIO) of Kadamba Transport Corporation Limited, Porvorim Goa (KTCL).
- 2. Said application is responded by the PIO on 22/12/2019 stating that public authority has already supplied all relevant documents to the Appellant in 2014 thereby providing inspection of entire file pertaining to the CRS documents related to FR 56(J).

PIO further replied that the files pertaining to FR 56(J) and related documents are uploaded on KTCL website and requested the Appellant to refer the website of KTCL for further details.

3. Aggrieved with the reply of the PIO, Appellant filed first appeal before Managing Director of KTCL, being First Appellate Authority (FAA).

FAA by its order dated 21/03/2020 dismissed said appeal. Not satisfied with the said order; Appellant preferred this second appeal under sec 19(3) of RTI Act.

- 4. The matter was taken up on board and listed for hearing. Pursuant to the notice, Shri. Saish Dhond, representative of PIO Shri. Sanjay Ghate present and filed reply / written arguments on behalf of PIO.
- 5. According to PIO, purported information has been supplied to the Appellant on his earlier RTI application. According to PIO, Appellant is wasting the time of public authority like PIO, FAA and also of this forum by filing plethora of applications on the same subject matter. As of now PIO has received at least 40 such applications, then appeals to FAA and second appeal before this Commission, thus putting entire machinery in motion to decide the same issue. As he is abusing and misusing the RTI Act by filing multiple applications under RTI Act with the intention to harass the ex-employer.
- 6. Further according to PIO the information that exists with the public authority is uploaded on website of the Corporation with pages numbered serially and inspection was given to the Appellant on 12/03/2018 in the office of this Commission with the intervention of this court.
- 7. I have perused the appeal filed by the Appellant; reply filed by the PIO and scrutinized the documents on record.

The FAA by its order dated 21/03/2020 dismissed the first appeal filed by the Appellant stating that Appellant does not satisfy the provision of RTI Act.

8. The Commission is of the opinion that, the issue raised by the Appellant has been deliberated, discussed and decided by this Commission in its various earlier judgments and therefore does not require to be discussed again.

Since the required information is furnished to the Appellant, I find no intervention of this Commission is required for the purpose of furnishing the information and hence the appeal becomes infructuas.

9. The Hon'ble High Court of Punjab and Harayan in Chandigarh Karamjit Singh v/s State Information Commission (in CWP No. 5456/2011) held that, once the information is supplied to the Appellant the public authority is not bound to disseminate same information in another RTI application.

The objective of the RTI Act is not to compel the public authorities to keep giving the same information again and again even after disclosing it in an open sources like the website.

10. The Commission therefore finds that such RTI application filed by Appellant is utter abuse of RTI Act and has been filed only to settle personal score and mainly to harass the PIO. Hon'ble Supreme Court said that, the Act should not be allowed to be misused or abused.

Hon'ble Supreme Court in **CBSE v/s Aditya Bandopadhya**, (2011) 8 CCC 497, has held that,

"67. Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of Public Authorities and eradication of corruption) would be counter productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with non-productive work of collecting and furnishing information. The **Act should not be allowed to be misused or abused to** become a tool to obstruct the national development and integration or to destroy the Peace, tranquility and harmony among the citizen. Nor should it be converted into a tool of oppression or intimidation of honest official striving to their duty."

11. In view of the above discussion and ratio laid down by apex court, I find that PIO acted bonafidly and in consonance with the Act, therefore following order is passed.

O R D E R

Appeal is dismissed.

Proceedings closed.

Pronounced in open court.

Notify the Parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner