

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No.336/2019/SIC-II

Mr. Bharat L. Candolkar,
Vady, Candolim,
Bardez-Goa.

.....Appellant

V/S

1. Public Information Officer,
Deputy Director of Panchayat,
Junta House, 3rd Lift, 3rd Floor,
Panaji Goa.

2. First Appellate Authority,
Director of Panchayat,
Junta House, 2nd Lift, 3rd Floor,
Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 26/11/2019

Decided on: 28/10/2021

FACTS IN BRIEF

1. The Appellant, Mr. Bharat L. Candolkar, r/o Vaddy, Candolim, Bardez-Goa by his application dated 21/05/2019 under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from Public Information Officer (PIO) of the Deputy Director of Panchayat, Junta House, Panaji Goa.
2. The said application was responded by the PIO on 14/06/2019.
3. Aggrieved with the said reply, the Appellant preferred first appeal on 22/07/2019 before the Directorate of Panchayat, Panaji Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 22/08/2019 upheld the reply of the PIO, thereby dismissed the first appeal.
5. Not satisfied with the order of FAA, the Appellant preferred this second appeal before the Commission under sec 19(3) of the Act,

with the prayer that direction be issued to PIO to furnish correct information, penalty be imposed on PIO, appropriate disciplinary action may be recommended on PIO and FAA for not furnishing the correct information and compensation be awarded to the Appellant.

6. Notice was issued to the Parties, pursuant to which the PIO appeared and filed her reply on 18/03/2021. FAA appeared once, however opted not to file the reply in the matter.
7. I have perused the pleadings, scrutinised the records and considered the arguments of learned Advocate A.P. Mandrekar on behalf of Appellant.
8. According to Adv. A.P. Mandrekar, the information furnished by PIO is misleading, incorrect and incomplete information.

Further according to him, inspection of the records have not been given till date and that it amounts to refusal of the request under sec 7(2) of the Act.

Further according to him, Appellant sought information in respect of file No. DP/Appeal/N/10/2018 filed by M/S Cortile Resort Private Ltd v/s Village Panchayat Candolim, however he received the information in respect to file No. DA/Appeal/N/10/2018 filed by one Sadanand Yeshi Morajkar v/s Village Panchayat Anjuna.

Further according to him there cannot be similar case number in two separate cases in the office of public authority and only in order to deny the information, the PIO subsequently corrected the record which is forgery / manipulation of public records.

9. PIO through her reply contended that, she submitted that the cause of action arose during the then PIO and she is recently appointed as PIO by public authority. As per records the then PIO received application from Appellant on 21/05/2019, same was

forwarded to the court of Directorate of Panchayat on 27/05/2019 to furnish the information pertaining to point No. a,b,c,d,e,f and g of the said RTI application. After receiving the information from APIO, PIO informed the Appellant to collect the information.

10. It was the consistent stand of PIO throughout in the proceeding before the first appeal and also in this appeal that, the Appellant sought information vide his application dated 21/05/2019 in respect of case No. DP/Appeal/N/10/2018 which is replied to the Appellant on 14/06/2019, within stipulated time and information was duly furnished to him on 24/06/2019 after receiving the requisite fee of Rs. 294/-, therefore whatever information available and exist with the PIO, the same has been furnished to the Appellant.
11. During the course of arguments, the Appellant argued that PIO furnished him incorrect information and to support his case he produced on record one Memorandum dated 03/07/2018 signed by Directorate of Panchayat, Panaji Goa addressed to the Secretary of Village Panchayat Candolim.
12. On perusal of the said Memorandum and after scrutinising the records and particularly reply dated 15/01/2020 it reveals that, case No. DP/APPEAL/N/3/2018 was erroneously registered as DP/APPEAL/N/10/2018 and same has been corrected later as DP/APPEAL/N/3/2018 with the consent of parties to the litigation. Appellant being not a party to the proceeding this fact was unknown to him.
13. After realising the above fact, the Appellant filed another RTI application on 28/11/2019, thereby seeking information of (1) DP/APPEAL/N/10/2018/4013 (2) DP/APPEAL/N/10/3018/4013 (3) DP/APPEAL/N/3/2019 of M/S Cortile Resort Pvt. Ltd. v/s Village Panchayat of Candolim.

14. Even though the present appeal is not the subject matter of subsequent RTI application filed by Appellant dated 28/11/2019, the Appellant received the information free of cost with the goodwill gesture of PIO. Same can be seen from the endorsement made by the Appellant dated 22/01/2020.
15. The correction of case number in the proceeding by the Presiding Judge of Directorate of Panchayat, with the consent of Advocate and the parties to the litigation is an internal Administrative decision. This fact is neither known to the Appellant nor to the PIO then, therefore PIO cannot be held responsible for the same.
16. The other grievance of the Appellant as stated in appeal memo that he has not given the inspection of records/ file etc. However on perused of the RTI application of the Appellant dated 21/05/2019, he did not sought inspection of the records /file. Therefore his contention cannot be accepted, since the PIO is obliged to furnish only that information which is sought in the RTI application. No additional prayer can be granted to the Appellant at this Appellate stage by enlarging the scope of the application.
17. Though it is contention of the Appellant, that the information furnished is incorrect, the Appellant has not clarified as to what would constitute the correct information. Record shows that, Appellant received the above information on two occasions first on 24/06/2019 and again on 22/01/2020 without any protest.
18. In nutshell, the PIO sought information from the Court of Directorate of Panchayat pertaining to Case No.-
 - DP/APPEAL/N/10/2018/4013
 - DP/APPEAL/N/10/3018/4013

- DP/APPEAL/N/3/2019

I find that whatever information was available and exist has been furnished to the Appellant and no more information is required to be furnished.

19. Considering the above circumstances, I find no wilful default on the part of PIO while dealing with the RTI application. I also find no merit in the appeal to impose penalty on PIO or to recommend any disciplinary action against PIO and FAA under sec 20 of the Act or awarding any compensation to the Appellant as prayed by the Appellant. Consequently, I dispose the present appeal with the following :-

ORDER

- The appeal is dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner