

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

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Appeal No.51/2021/SCIC

Shri. Ramesh S. Kerkar,
R/o. H.No. 3/15, Muddawadi,
Saligao, Bardez-Goa.
403511.

.....Appellant

V/S

1. The First Appellate Authority,
Superintendent Engineer II (N),
Electricity Department,
Panaji-Goa.

2. The State Public Information Officer,
Executive Engineer Div-II,
Electricity Department,
Mapusa-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 04/03/2021

Decided on: 12/08/2021

FACTS IN BRIEF

1. Appellant, Shri. Ramesh Kerkar, r/o. H.No. 3/5, Muddawadi, Saligao, Bardez Goa by his application dated 26/10/2020 filed under sec 6(1) of Right to Information Act, 2005 (Act for short) sought certain information from , Public Information Officer, Electricity Department, Porvorim Goa.
2. The said application was replied by the PIO within stipulated time. However according to Appellant, the information furnished to him is false, misleading information, being so, he preferred first appeal before Superintendent Engineer-II, North at Panaji, the First Appellate Authority (FAA).

3. The FAA by its order dated 29/01/2021 allowed the appeal and directed the PIO to give the inspection of records on 02/02/2021, with the consent of both the parties and accordingly the first appeal was disposed off.
4. Since the PIO failed to furnish the information inspite of direction of FAA, Appellant preferred this second appeal under sec 19(3) of the RTI Act, with the prayer that, PIO be directed to furnish the information, penalty be imposed on PIO and disciplinary action be recommended against the PIO.
5. Notices were issued to the parties, pursuant to which, daughter of the Appellant Miss Kerkar appeared and filed application for adjournment. PIO appeared and filed his reply on 02/07/2021. FAA appeared but chose not to file reply in the matter. Appellant did not appear for subsequent hearings.
6. Perused the records and also considered the pleadings of the parties.
7. According to PIO, he furnished the information as it exist with public authority.

He further submitted that as per the directions of FAA, he personally remained present for joint inspection at sub-division office at Porvorim, all the documents mentioned in RTI application no. 'a' to 'd' were personally inspected by the Appellant on 02/02/2021 between 10:30 am to 01:45 pm.

He further contended that, whatever information available with his office has been furnished to the Appellant.

8. PIO also produced one letter dated 02/02/2021 addressed to Appellant to remain present in the office of Sub - Divisional

Engineer, Electricity Department at Porvorim to hold the inspection of records. PIO has submitted that he has given the inspection of all records available to him and also furnished the copies of documents as indicated by Appellant.

9. The contention of the Appellant is that the information furnished was false and misguided. I am unable to accept this contention of Appellant as PIO is expected to furnish the information in the form and the manner in which it exist. As per the reply and documents provided by the PIO, he has furnished the information as it is maintained. Besides, the PIO as per the directions issued by the FAA has also granted the inspection of documents. This sufficiently complies with the provision of the visa vis the applications.
10. On all subsequent hearings the Appellant opted not to remain present before this Commission i.e. on 02/07/2021, 04/08/2024 and 12/08/2021. It is also not alleged by the Appellant in the pleadings that there is a delay in responding RTI application.
11. Considering the above position, nothing further remains to be decided. I also find no ground to invoke my right under sec 20(1) and /or 20(2) of the Act. In view of above, the appeal stand disposed with 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