

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 65/2021/SCIC

Vailan Fernandes,
H.No. 38, Near St. Mathew's Church,
Azossim-Goa.

.....Appellant

V/S

1. Public Information Officer,
Captain of Ports Departments,
Panaji Goa.

2. First Appellate Authority,
Captain of Ports Departments,
Panaji Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 17/03/2021

Decided on: 29/10/2021

FACTS IN BRIEF

1. The Appellant Mr. Vailan Fernandes, r/o H.No. 38, Near St. Mathew's Church, Azossim-Goa by his application dated 14/09/2020 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Captain of Ports, Panaji Goa on several points therein.
2. The said application was responded on 12/10/2020 by providing the information.
3. Not satisfied with the reply of PIO, the Appellant preferred first appeal to the First Appellate Authority (FAA) of the Captain of Ports Department at Panaji-Goa, the Respondent No. 2, FAA herein above, and by order dated 16/12/2020 the FAA disposed the same by closing the proceeding.
4. Aggrieved with the order of FAA, the Appellant preferred this second appeal under sec 19(3) of the RTI Act, with the prayer to direct the Respondents to furnish the complete and correct

information and for imposing penalty for providing incomplete, incorrect and misleading information after an inordinate delay.

5. Parties were notified, pursuant to which the representative of PIO, Adv. K.L. Bhagat appeared and filed his reply on 15/07/2021. The representative of FAA, Smt. Nisha Naik appeared and filed reply on behalf of FAA. In spite of valid notice of service, the Appellant did not appear for hearing.
6. According to Appellant, despite of having access to entire information, PIO furnished him partial and incomplete information. He states that, the information pertaining to item No. 5 and 6 were not furnished by mentioning "Not applicable". Further according to him, FAA passed the order without issuing any notice thus violated the principle of natural justice.
7. The PIO through his reply contented that, on receiving the request from the Appellant, he sought the assistance of all the concerned dealing hand/ Marine Inspector of Captain of Ports Department under sec 5 of the Act. And on the receipt of the information from APIO by letter dated 10/10/2020, requested the Appellant to collect the information by making payment of Rs. 14/-, upon which the Appellant collected the information from the concerned dealing hand on 20/10/2020.
8. Further according to PIO, whatever information was available, has been already furnished to the Appellant and no more information is available with the public authority.
9. Though it is the contention of Appellant, that the information furnished is incomplete, incorrect and misleading information, the Appellant, has not clarified as to what would constitute the complete information. Records shows that Appellant received the information without any protest on 20/10/2020 from the concerned dealing hand.

10. The Appellant herein has challenged the order of FAA on the ground that, FAA passed the order in first appeal in complete violation of natural justice and that FAA passed the impugned order unilaterally without serving any notice to the Appellant.

However, PIO produced on record the copy of Notice issued by FAA to the Appellant dated 26/11/2020 in first appeal No. 03/2020/ and outward register of the public authority dated 26/11/2020 to substantiate that copy of notice has been sent to the Appellant. The said outward register number 2880 tallies with the date of notice issued to the Appellant and therefore, the argument of PIO appears to be probable, the Appellant also failed to appear before this Commission to substantiate his claim.

11. Considering the above circumstances, I find no malafide on the part of the PIO while dealing with RTI application. I also find no merit in the appeal to impose penalty under sec 20 of the Act, 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