

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 156/2021/SIC

George Fernandes,
H. No. 279, Abaxio Waddo,
Canca Parra, Bardez Goa.
v/s

..... Appellant

1. The Public Information Officer,
Dy. Conservator of Forests,
Working Plan Division,
Office of the Dy. Conservator of Forests,
Panaji – Goa.
2. The First Appellate Authority,
Conservator of Forests (WL & ET),
Working Plan Division,
Office of the Dy. Conservator of Forests,
Altinho, Panaji – Goa.

..... Respondents

Filed on : 16/07/2021

Decided on : 19/10/2021

Relevant dates emerging from appeal:

RTI application filed on	: 22/02/2020
PIO replied on	: 17/03/2021
First appeal filed on	: 31/03/2021
First Appellate Authority Order passed on	: 29/06/2021
Second appeal received on	: 16/07/2021

ORDER

1. The brief facts of this appeal, as contended by the Appellant are that the Appellant Shri George Fernandes vide application dated 22/02/2021 sought information under section 6(1) of the Right to Information Act, 2005 (for short, the Act) against Respondent No. 1, Public Information Officer (PIO), Deputy Conservator of Forest. That the appellant did not receive reply within 30 days and filed an appeal before Respondent No. 2, First Appellate Authority (FAA) under Section 19(1) of the Act. The FAA vide Order dated 29/06/2021 asked the Appellant to submit specific

requirements and directed the PIO to furnish information within 30 days of the receipt of any such request.

2. It is the contention of the Appellant that the information sought by him is general information and it does not fall under any exemption under the Act and it is not personal information. That the information is available with the authority and the PIO has to furnish the same.
3. Being aggrieved by the denial of information, Appellant filed second appeal dated 16/07/2021 under section 19(3) of the Act, before this Commission. The concerned parties were notified and the matter was taken up for hearing. The PIO and FAA appeared before the Commission and filed reply alongwith enclosures. It appears from the reply that part information is provided to the Appellant by the PIO after the directions of FAA. However Appellant, not satisfied with the information, insisted on getting complete information. As per the directions of Commission, the Appellant volunteered to visit PIOs office for inspection and PIO agreed to furnish documents identified by the Appellant. Accordingly inspection was conducted on 07/09/2021 and Appellant submitted list of documents sought by him. Later, the Appellant has acknowledged vide letter dated 07/10/2021 that he has received entire information from the PIO.
4. It is seen from the records that initially the information was denied to the Appellant by the PIO stating the matter is subjudice before National Green Tribunal. Subsequently the Appellant sought specific information as per the order of the FAA, and PIO furnished the same. Later the PIO facilitated inspection and provided documents identified by the Appellant.
5. The information has been furnished to the Appellant, though after the stipulated period mandated in the Act. However, subscribing to the ratio laid down by Hon'ble High Court of

Bombay, Goa Bench **in Writ Petition No. 704 of 2012, Public Authority and others v/s. Shri Yeshwant Tolio Sawant and Writ Petition No. 205/2007, Shri A.A. Parulekar v/s Goa State Information Commission**, no malafide can be attributed to the PIO, marginal delay in providing the information is pardonable. Therefore there is no need to impose penalty on the PIO for delay in furnishing the information. As such, prayer by Appellant for penalty on PIO cannot be granted.

6. In the light of the above discussion and in view of records brought before this Commission, the appeal is disposed with the following order :-

a) As the information sought by the Appellant has been furnished, the prayer for information becomes infructuous and no more intervention of this commission is required in the matter.

b) All other prayers are rejected.

7. Hence the appeal is disposed accordingly and proceedings stand closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission
Panaji - Goa