

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 28/2021/SIC

Shri Jawaharlal T. Shetye,
H. No. 35/A, Ward No. 11,
Khorlim, Mapusa Goa, 403507
v/s

.....Appellant

1. Public Information Officer (PIO),
Mapusa Municipal Council,
Mapusa-Goa 403507
2. First Appellate Authority (FAA),
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507

..... Respondents

Filed on : 05/02/2021

Decided on : 19/11/2021

Relevant dates emerging from appeal:

RTI application filed on	: 14/10/2020
PIO replied on	: 17/11/2020
First appeal filed on	: 16/11/2020
FAA order passed on	: 14/01/2021
Second appeal received on	: 05/02/2021

ORDER

1. The brief facts of this appeal are that Appellant vide application dated 14/10/2020 filed under section 6(1) of the Right to information Act, 2005 (for short, the Act), sought from Respondents No. 1 Public Information Officer (PIO) information on five points, as mentioned in the said application. Appellant did not receive reply from PIO within the stipulated period of 30 days and filed appeal dated 16/11/2020 before Respondent No. 2 first Appellate Authority (FAA). The FAA, vide order dated 14/01/2021 directed PIO to furnish the available information. The PIO

failed to comply with the direction and being aggrieved, Appellant preferred second appeal dated 05/02/2021 before this Commission with prayers such as penalty under section 20 be imposed on PIO and Compensation.

2. The concerned parties were notified and pursuant to the notice Appellant as well as PIO Shri. Vyankatesh Sawant appeared in person. PIO filed reply dated 16/09/2021 along with enclosures of information. Later on 14/10/2021 PIO furnished additional information. Appellant was furnished with copy of the said reply and enclosures.
3. The PIO stated in reply that, the information sought by Appellant was furnished to him along with letter dated 17/11/2020. However, Appellant filed first Appeal on 16/11/2020. The information sought by the Appellant is once again furnished to him vide letter dated 15/09/2021. Later additional information is furnished vide letter dated 12/10/2021, submitted before the Commission and copy collected by Appellant on 14/10/2021.
4. It is seen from the records that the PIO has furnished the information, though after the stipulated period. The PIO has adhered to the FAA's directions. Also Appellant collected the entire information and has not raised any grievances. Hence the Commission concludes that the Appellant has no any grievances with respect to the information furnished to him by the PIO.
5. Hon'ble High Court of Bombay, Goa bench at Panaji, in Writ Petition No. 488 of 2011 (Shri. Shivanand Salekar and others V/s The Goa State Information Commission and other) has held:

"That apart, in the present case, the delay is really not very substantial. The information was applied on 26/10/2009 and therefore, the same had to be furnished by 25/11/2009. On

30/11/2009 itself the complainant made his complaint and no sooner, the petitioner on 15/01/2010 actually furnished the information. If all such circumstances considered cumulatively and the law laid down by this Court in the case of A. A. Parulekar (supra) is applied, then, it does appear that there was no justification for imposing penalty of Rs. 6,000/- upon the petitioner."

6. In the present matter, records reveal that the information was applied on 14/10/2020 and therefore the same had to be furnished by 13/11/2020. On 16/11/2020 itself Appellant filed first appeal and PIO actually furnished the information on 17/11/2020. The delay in furnishing the information is marginal. The PIO furnished additional information during the proceeding of this matter.
7. Considering the above circumstances and subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa bench, marginal delay in furnishing the information is insignificant. Hence facts of the present case does not attribute any malafide on the part of PIO and not a fit case warranting levy of penalty on the PIO.
8. In the light of above discussion the following order is passed while disposing the Appeal.
 - (a) Since the information has been furnished to the Appellant, no further intervention of this Commission is required for the purpose of furnishing the information.
 - (b) All other prayers are rejected.

Proceeding 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