

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 32/2020/SIC-II

Shri Shrikant V. Gaonker,
FA 501/505 Sinari Apartments,
Near Datta Mandir, Patto,
Ribandar Goa 403006

.....Appellant

V/s

1. Public Information Officer (PIO),
Office of the Asst. Registrar of Cooperative Societies,
Central Zone, Market,
Panaji-Goa, 403 001
 2. The First Appellate Authority (FAA),
Office of the Registrar of Cooperative Societies,
Sahakar Sankul Building,
4th floor, Patto,
Patto Plaza, Panaji-Goa
-Respondents

Filed on : 31/01/2020

Decided on : 06/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 8/11/2019
PIO replied on	: 04/12/2019
First appeal filed on	: 26/12/2019
FAA order passed on	: 14/01/2020
Second appeal received on	: 31/01/2020

ORDER

1. The Appellant Shri Shrikant V. Gaonker , R/o. Panaji Goa, vide his application dated 8/11/2019 under the Right to Information Act, 2005 (RTI Act, 2005) sought from Respondent No. 1 Public Information Officer (PIO), Office of the Assistant Registrar of Cooperative Societies, Panaji-Goa, information on 4 points, regarding registration of Saras Cooperative Housing Society.

2. It is the contention of the Appellant that he did not receive reply and/or information from the PIO within 30 days. Therefore the Appellant filed first appeal dated 26/12/2019 before the Respondent No. 2, First Appellate Authority, FAA, O/o. the Registrar of Cooperative Societies Panaji-Goa. The FAA disposed first Appeal on 14/01/2020 directing the PIO to furnish the information within ten days.
3. It is the contention of the Appellant that the Appellant personally visited the Office of the PIO alongwith copy of the order passed by the FAA and requested PIO to furnish the information as directed by the FAA. However, the PIO did not furnish information and therefore, the Appellant preferred Second Appeal dated 31/01/2021 before the Information Commission with various prayers including furnishing of information, penalty under section 20, compensation etc.
4. The matter was taken up and notice was issued to the concerned parties. Pursuant to the notice, neither the Appellant nor the Respondent appeared before the Commission. Thereafter the then Commissioner demitted Office and the matter was kept in abeyance. Matter came up for hearing after the new Commissioner took over, pursuant to which the Appellant and the present PIO appeared before the Commission on 22/03/2021.
5. The then PIO Shri. P. S. Sawant filed reply dated 6/08/2021 which averred that the PIO vide letter dated 04/12/2019 had requested the Appellant to visit his Office for inspection of the concerned file and the Appellant inspected the said file on 18/12/2019. Further documents called for by the Appellant after inspection were provided to the Appellant on 4/02/2020, and the Appellant has acknowledged the same on 04/02/2020. The present PIO Shri. Devdatt S. Naik furnished remaining information by post on 30/07/2021

6. The Appellant has not attended last three hearings. Nevertheless, copies of the documents furnished to the Appellant and also copy of the receipt of the Registered A.D. has been produced before the Commission by the PIO.
7. However the Commission takes a serious note of the fact that the then PIO Shri. P. S. Sawant initially did not entertain application of the Appellant in the true spirit of the RTI Act. First and foremost, the information was not furnished by the PIO in 30 days, as mandated by the RTI Act, 2005. Therefore the PIO also failed to adhere to the order of the FAA. The PIO is reminded that the Right to Information Act, 2005 goes to an extent of making a Government Officer personally and financially liable for not providing information that has been asked by the Citizen.
8. The Hon'ble High Court of Bombay, Goa bench at Panaji in a writ petition No. 205/2007, Shri. A. A. Parulekar V/s Goa State Information Commission has observed,:-

“The Order of Penalty for failure is akin to action under Criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate. ”

9. However, prima-facia there appears no malafide by the PIO and therefore the Commission has taken a lenient view towards the PIO. On the oral directions issued during the hearing he has made efforts to furnish the information.
10. In view of the above discussion and in the circumstances mentioned above, the Commission passes following order:-
 - a) The information sought in the application is furnished and therefore prayer for information becomes infructious.

b) The Then PIO, Shri. P. S. Sawant is directed to be more diligent and transparent while dealing with matters related to the RTI Act, 2005.

c) The Registrar of Cooperative Societies is directed to depute the then PIO Shri. P. S. Sawant to undergo training programme regarding duties and responsibilities of the Public authorities with respect to the RTI Act, 2005.

d) All the remaining prayers are rejected.

11. 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