

## GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7<sup>th</sup> Floor, Patta Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

**CORAM: Shri Sanjay N. Dhavalikar, State Information Commissioner**

### Appeal No. 08/2021/SIC

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

.....Appellant

V/s

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

.....Respondents

Filed on:-15/01/2021

Decided on: 19/04/2021

#### **Relevant dates emerging from appeal:**

<b>RTI application filed on</b>	<b>: 03/09/2020</b>
<b>PIO replied on</b>	<b>: nil</b>
<b>First appeal filed on</b>	<b>: 13/10/2020</b>
<b>First Appellate authority order passed on</b>	<b>: 29/10/2020</b>
<b>Second appeal received on</b>	<b>: 15/01/2021</b>

### **ORDER**

1. The Second Appeal filed by the Appellant Shri. Jawaharlal T. Shetye came before this Commission on 15/01/2021 against Respondent No. 1 PIO, M.E.-II, Mapusa Municipal Council, Shri. Vyankatesh Sawant and Respondent No. 2, First Appellate Authority (FAA), The Chief Officer, Mapusa Municipal Council, under section 19 of Right to Information Act, 2005 (RTI Act, 2005).
2. Brief facts leading to the Second Appeal are that :-
  - a) The Appellant vide his application dated 03/09/2020 had sought for information on 3 points and also had

sought inspection of certain files from the Respondent No. 1, PIO.

- b) The said application was filed by the Appellant before the Respondent PIO under sub-section (1) of section (6) of RTI Act, 2005.
  - c) It is the contention of the Appellant that he received no reply and no information from PIO within the stipulated period of 30 days.
  - d) Deeming this as rejection of information the Appellant preferred first Appeal before the FAA, Chief Officer, Mapasa Municipal Council on 13/10/2020.
  - e) It is the contention of the Appellant that the FAA, vide its order dated 29/10/2020 directed the Respondent PIO to furnish available information to the Appellant free of cost within three days.
  - f) It is the contention of the Appellant that PIO has ignored to comply with the directions of FAA, thereby committing the act of disobedience.
3. In the above mentioned background the Appellant being aggrieved by the inaction of PIO and non compliance of Order of FAA has approached this Commission in his Second Appeal on 25/01/2021 on the grounds raised in the memo of Appeal.
4. The Appellant prayed before this Commission for furnishing requested information, for imposing penalty on Respondent No. 1 PIO under section 20(1), for disciplinary proceedings against the Respondent No. 1 PIO under section 20(2) and for suitable compensation .

5. The matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which hearing in this matter began.
6. During the hearing on 08/04/2021 Respondent No. 1, PIO Shri. Vyankatesh Sawant undertook to furnish the information sought by the Appellant .
7. During the hearing on 19/04/2021 Respondent No. 1, PIO filed a reply alongwith the information sought by the Appellant. The PIO also submitted that the part information furnished is acknowledged by the Appellant on 30/10/2020. The PIO pleaded that the delay in furnishing the information is merely of 24 days, therefore no penalty and disciplinary proceedings may be initiated against him.
8. The Respondent No. 1, PIO has given a written undertaking to allow inspection of a file referred by the Appellant in point No. 3 of his RTI Application. The Appellant endorsed Respondents say and has offered to undertake the inspection on 27/04/2021 at 11.a.m. in the Office of Respondent No. 1 PIO. Simultaneously, Respondent No. 1 PIO has undertaken to furnish copy of documents indentified by the Appellant from the file, on the same day, i.e. 27/04/2021.
9. In view of above facts and circumstances of the present case the Commission is of the opinion that the information sought by the Appellant has been furnished and the Appellant will be facilitated inspection of file he desired. With this, the Appellant has expressed

satisfaction over the reply and undertaking of the Respondent No. 1 PIO.

10. In view of above circumstances and in the light of above discussion :-

- i) I dispose off the Appeal since the information has been furnished to the Appellant and the Appellant is satisfied with the information provided.
- ii) Rest of the prayers are rejected.

11. Hence the Appeal Proceedings stand disposed and closed.

Notify the parties.

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

Pronounced in the open court.

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