

**GOA STATE INFORMATION COMMISSION**  
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**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Appeal No.101/2021/SCIC**

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

.....Appellant

V/S

1. The Public Information Officer,  
ME-II, Vyankatesh Sawant,  
Mapusa Municipal Council,  
Mapusa-Goa. 403507.

2. The First Appellate Authority.  
The Chief Officer, Kabir Shirgaonkar,  
Mapusa Municipal Council,  
Mapusa-Goa. 403507.

..... Respondents

**Filed on: 27/04/2021**

**Complaint No.08/2021/SCIC**

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

.....Complainant

V/S

1. The Public Information Officer,  
ME-II, Vyankatesh Sawant,  
Mapusa Municipal Council,  
Mapusa-Goa. 403507.

2. The First Appellate Authority.  
The Chief Officer, Kabir Shirgaonkar,  
Mapusa Municipal Council,  
Mapusa-Goa. 403507.

..... Opponents

**Filed on: 27/04/2021**

**Both Decided on: 26/11/2021**

## **ORDER**

1. Both the above proceedings are result of a common application dated 30/10/2020 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') and between the same parties, and therefore are disposed by this common order.
2. The facts in brief which arises herein are that the Appellant / Complainant filed an application on 30/10/2020 under sec 6(1) of the Act, seeking information from Public Information officer (PIO), Mapusa Municipal Council at Mapusa, Goa. The information sought basically was a copy of the action taken report on his complaint dated 27/10/2020 lodged before the Chief Officer / Chairperson of Mapusa Municipal Council against one Mr. Shubh Amonkar, Junior Engineer of Mapusa Municipal Council.
3. According to Appellant / Complainant, the said application was not responded by PIO within the stipulated period and therefore deeming the same as refusal he filed first appeal to First Appellate Authority (FAA) on 01/12/2020.
4. The FAA by its order dated 28/01/2021 allowed the said appeal and instructed the PIO to dispose of the matter within 30 days and furnish available information to Appellant / Complainant.
5. In spite of the order of FAA, the PIO failed to furnish him the required information, he landed before the Commission under sec 19(3) of the Act.
6. As both the above proceedings are related, common hearing were held after notifying the parties. The PIO filed his reply on 17/09/2021 and on 20/09/2021.
7. According to PIO, the information sought by the Appellant / Complainant was furnished to him vide letter No. MMC/ENGG/ILL/

RTI/69/5821/2021 dated 07/09/2021 through Registered AD post and again furnished additional information by letter No. MMC/ENGG/ILL/RTI/69/5999/2021 dated 17/09/2021 and produced on record the postal acknowledgment receipt.

8. For the purpose of the appeal bearing No. 101/2021/SCIC, Commission holds that the information as sought by the Appellant is furnished.
9. As far as complaint bearing No. 08/2021/SCIC, the Complainant sought for invoking penal action against PIO for delay caused in furnishing information. Admittedly the application was filed on 30/10/2020 with the PIO. The information was therefore required to be furnished or rejected on or before 29/11/2020 being the 30<sup>th</sup> day. However the PIO complied the order of FAA and furnished the information free of cost by Registered A/D post though beyond the stipulated period.
10. Be that as it may, for the purpose of considering such penalty proceeding under sec 20(1) and 20(2) of the Act. The Hon'ble High Court of Bombay, Goa bench at Panaji in **Writ Petition No. 205/2007 in Shri. A.A. Parulekar v/s Goa State Information Commission & Anrs.** Observed that:-

*"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."*

11. The approach of the Appellant / Complainant appears to be casual and trivial. He filed the present appeal/complaint, put the entire machinery into motion. However failed to pursue the matter. In spite of fair opportunities on 06/08/2021, 17/09/2021, 20/09/2021, 20/10/2021 and 26/11/2021 he failed to remain present for hearing, despite frequenting this Commission during the same period for other hearings.

12. On perusal of the application filed under sec 6(1) of the Act, the information sought by the Complainant on 30/10/2020 is seeking action taken report, copies of noting sheet, progress report on the complaint lodged by him on 27/10/2020. This implies that the Appellant / Complainant is seeking action taken report within three days of lodging of complaint, which looks very impractical and unrealistic demand.
13. Before parting with the matter, it is observed that the conduct of the Appellant / Complainant is not fair and bonafide. Filing an appeal and complaint in respect of same parties and on same day with respect of same RTI application suffers from infirmity much less filed only to satisfy the ego appears to be certainly with disregard to the Act and this forum. RTI is a weapon which has to be used with great care and circumspection and by filing such litigation he himself loses his bonafide and credential.
14. In the above circumstances and considering the facts involved, Commission finds no ground to impose penalty under sec 20(1) and/or sec 20(2) of the Act. In the result, Commission finds no merits in the appeal/ complaint.
- The above appeal No. 101/2021/SCIC therefore stands dismissed.
  - The complaint No. 08/2021/SCIC stands dismissed.
  - Proceedings closed.
  - Pronounced in the open court.
  - Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner