

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 170/2021/SIC

Mercy Fernandes,
H No. 123, Gina Chicalim,
Goa 403711

.....Appellant

V/s

1. Public Information Officer (PIO),
Office of the Sub- Divisional Police Officer,
Panaji-Goa
2. The First Appellate Authority (FAA),
The Superintendent of Police,
Porvorim, North –Goa

.....Respondents

Filed on : 30/07/2021

Decided on : 23/11/2021

Relevant dates emerging from appeal:

RTI application filed on	: 28/12/2021
PIO replied on	: 20/01/2021
First appeal filed on	: 25/02/2021
FAA order passed on	: 31/03/2021
Second appeal received on	: 30/07/2021

ORDER

1. The brief facts leading to this appeal, as contended by Appellant Mercy Fernandes are that the Appellant vide application dated 28/12/2020 filed under section 6 (1) of the Right to Information Act, 2005 (for short, the Act) sought information on five points, as mentioned in the said application, from Respondent No.1 PIO. That the PIO furnished incomplete information and hence Appellant filed appeal before Respondent No.2 FAA. The appeal was decided on 23/03/2021, and the order was received by the Appellant on 01/05/2021. Being aggrieved, Appellant filed second appeal before this Commission with the prayers that PIO be directed

to furnish information, penalty under section 20 of the Act be imposed on PIO etc.

2. The concerned parties were notified and pursuant to the notice, Shri Sudesh Naik, Police Inspector and Smt. Priya Shet, Police Sub Inspector appeared on behalf of PIO, under authority letter and filed reply dated 03/09/2021. Representative of PIO appeared again on the next hearing dated 22/09/2021 and 13/10/2021. PIO submitted on 13/10/2021 that the information available in PIO's office has been furnished to the Appellant and the Appellant has not raised any grievance before the Commission.
3. The Appellant, vide appeal memo registered her grievances stating the information furnished by the PIO is incomplete. the PIO withheld part information from furnishing which is against the provision of the Act . That the information sought is part of official record and should be accessible to the public. That she is aggrieved with the PIO for not furnishing the information and also against the FAA, who upheld PIO's say while dismissing first appeal.
4. The Commission has perused the records of this case and has given opportunity to both the sides to put forth their say. However Appellant remained absent throughout the proceeding. Goa State Information Commission (Appeal procedure) Rules, 2006 Rule 7 (2) allows Appellant to opt not to be present at the time of hearing of the appeal. Considering this provision the Commission deliberates this appeal based on the records submitted.
5. It is seen that the PIO has furnished available information to the Appellant within the stipulated period and has also intimated to the Appellant regarding information not available. It is also seen from the reply of the PIO that certain information is not part of record of PIO's office and as per the Act information is not required to be created by the PIO after receipt of the application from Appellant.
6. In the background of the above discussion and after considering the facts of this matter the Commission concludes that the information has been furnished to the Appellant by

the PIO and intervention of this Commission is not required anymore in this matter.

7. Hence the appeal is disposed as dismissed and proceeding stand closed.

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