

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001  
Tel: 0832 2437908, 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

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

**Appeal No. 188/2021/SIC**

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

..... Appellant

**v/s**

1. The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa-Goa.

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

..... Respondents

Filed on : 10/08/2021

Decided on : 23/12/2021

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

RTI application filed on	: 21/04/2021
PIO replied on	: Nil
First appeal filed on	: 14/06/2021
First Appellate Authority Order passed on	: Nil
Second appeal received on	: 10/08/2021

## **ORDER**

1. The Appellant vide application dated 21/04/2021 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought certain information from Respondent No. 1 Public Information Officer (PIO). The appellant received no response from the PIO and hence filed first appeal dated 14/06/2021 before Respondent No. 2 First Appellate Authority (FAA). The FAA did not pass any order within the mandatory

period and being aggrieved the appellant preferred this second appeal on 10/08/2021.

2. The appeal was registered and notice was sent to the concerned parties. Pursuant to the notice, PIO Shri. Vyankatesh Sawant and appellant Shri. Jawaharlal T. Shetye appeared before the Commission. The PIO stated that the available information has been already furnished to the appellant. However, the appellant did not agree with statement of PIO. The Commission directed PIO to furnish the information before the Commission and asked the appellant to endorse the same.
3. Accordingly the PIO vide reply dated 02/12/2021 stated that he has once again furnished the information sought by the appellant vide application dated 21/04/2021. The appellant endorsed the receipt and stated that he is satisfied with submission of the PIO.
4. The same information could have been furnished by the PIO within the stipulated period of 30 days. The PIO is required to be duty bound to furnish the information to the appellant and deal with the RTI applications strictly according to the provisions of the Act. Any non compliance makes the PIO liable for penal action under section 20 of the Act. PIO, in this matter did not adhere to the provisions of the Act initially, however furnished the information upon the direction of the Commission. Therefore the Commission has taken lenient view and not considered penal action against the PIO.
5. The FAA, as per the provisions of section 19(6) of the Act, is required to hear the first appeal filed by the appellant and

dispose the same on merit within the stipulated period and issue directions to the PIO, if required. In the present case the appellant had filed first appeal under section 19(1) of the Act. the FAA was required to direct the PIO to furnish the information, since the information is neither exempted nor rejected. However, he failed to hear the appeal. The FAA is hereby reminded that practice of refusal to entertain the first appeal is not in tune with the provisions of the Act and the same is considered as dereliction in duty.

6. In the light of the above discussion the appeal is disposed with the following order:-

(a) As the information sought is furnished to the appellant, the prayer for the information becomes infructuous and no more intervention of this Commission is required in this matter.

(b) The PIO and the FAA are directed to be more efficient and diligent while dealing with the RTI applications and appeals respectively.

(c) All other prayers are rejected.

7. Hence the appeal is disposed as dismissed and the proceeding stands 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