

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 220/2021/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 : 01/09/2021

Decided on : 30/12/2021

Relevant dates emerging from appeal:

RTI application filed on	: 20/04/2021
PIO replied on	: Nil
First appeal filed on	: 14/06/2021
First Appellate Authority Order passed on	: Nil
Second appeal received on	: 01/09/2021

ORDER

1. The brief facts leading to this appeal, as contended by the appellant are that the appellant vide application dated 20/04/2021 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought information from Respondent No. 1 Public Information Officer (PIO), pertaining to file No. 552/01/2020 Subhash Bhoje V/s Sunil Narvekar and file No. 231/A/5/15 Tulsi Porob V/s Pramod

Divkar. The appellant did not receive reply from the PIO within the stipulated period, hence filed appeal before Respondent No. 2 First Appellate Authority (FAA). The FAA failed to dispose the appeal within the mandatory period and therefore the appellant preferred second appeal before the Commission with various prayers.

2. The matter was taken on board and pursuant to the notice, PIO appeared and undertook to file a reply. Later, on 17/11/2021 PIO filed reply alongwith the information. However the same could not be furnished to the appellant since he was absent.
3. The PIO stated in his reply that he had received the RTI application on 20/04/2021 and had issued memorandum dated 21/04/2021 to Shri. Subha Amonkar, APIO and Shri. Jayesh Kalangutkar, APIO, to furnish the information. However the information was not furnished. The appellant filed first Appeal which was not heard by the FAA. Later the appellant filed second appeal dated 01/09/2021 and during the proceeding of this appeal PIO furnished the information vide letter dated 25/10/2021 and the same is received by the appellant on 26/10/2021.
4. It is seen from the records that the PIO, as stated in reply, has furnished the information to the appellant and the appellant has received and acknowledged the same on 26/10/2021. Also, the appellant appeared before the Commission on 15/12/2021, collected the copy of PIO's reply and raised no grievance regarding the information he received. Hence the Commission concludes that the PIO has furnished the information sought by the appellant.

5. However, it is observed that initially the PIO did not reply to the appellant and the FAA did not entertain the first appeal within the stipulated period. This conduct of the PIO and the FAA is not in consonance of the provisions of the Act. The PIO and the FAA are senior officers of the Mapusa Municipal Council and they are required to deal with RTI matters in accordance with the provisions and spirit of the Act.
6. In the light of the above discussion the Commission passes following order:-
 - a) The information sought by the appellant vide application dated 20/04/2021 has been furnished by the PIO. Hence no more intervention is required by the Commission.
 - b) The PIO and the FAA are directed to deal with RTI applications and appeals respectively in more efficient, transparent and diligent manner.
 - c) All other prayers are rejected.

Hence the appeal is disposed accordingly 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