

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 67/2020**

Shri. Yogesh Walke,  
H.No. 189/Z Walke Niwas,  
Opp. Football Ground,  
Duler, Mapusa - Goa 403507.  
v/s

..... Appellant

1) Shri. Vinay Agarwadekar,  
The Asst. Public Information Officer,  
Mapusa Municipal Council,  
Mapusa - Goa.

2) The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa - Goa.

3) Shri. Clen Madeira,  
The First Appellate Authority,  
Mapusa Municipal Council,  
Mapusa - Goa.

..... Respondents

Filed on : 19/02/2020

Decided on : 28/01/2022

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

RTI application filed on	: 14/10/2019
PIO replied on	: 28/11/2019
First appeal filed on	: 09/12/2019
FAA order passed on	: 12/03/2020
Second appeal received on	: 19/02/2020

## **ORDER**

1) The brief facts of this appeal as contended by the appellant are as under :

(a) The appellant Shri. Yogesh Walke vide application dated 14/10/2019 filed under section 6(1) of the Right to Information

Act, 2005 (for short, the Act) sought information on five points from respondent no. 2, Public Information Officer (PIO). The application was replied by the PIO on 28/11/2019 with part information. The PIO failed to furnish the complete information and being aggrieved, the appellant filed appeal under section 19(1) of the Act before respondent no. 2, First Appellate Authority (FAA) on 09/12/2019.

(b) The Appellant did not receive any response from the FAA within the stipulated period and hence filed second appeal before the Commission.

(c) The appellant prays for complete information, penalty be imposed on PIO and APIO and appropriate disciplinary action against the respondents.

- 2) The concerned parties were notified and the matter was taken up on board for hearing. Adv. Nilesh Amonkar appeared on behalf of the appellant once, however no written submission has been filed by the appellant. Adv. Amonkar stated on 21/09/2020 that the grievance is only with respect to the information furnished to him on point no. 4 and 5. Information from point no. 1 to 3 has been furnished to him by the APIO/PIO. Later, on 23/03/2021, Adv. Shreya Arur appeared for the appellant and agreed to make a submission regarding the information not yet provided by the PIO. However inspite of number of opportunities given, neither the appellant nor his legal representative filed any statement before the Commission.
- 3) On the other hand, Shri. Vinay Agarwadekar APIO appeared before the Commission and stated that the information has been furnished to the appellant.

- 4) It is seen from the records that the appellant is aggrieved with the PIO/APIO since the complete information is not furnished to him. Also, the appellant is aggrieved with the inaction of the FAA as the FAA did not hear the appeal within the stipulated period. Hence the appellant filed second appeal. During the proceeding, the APIO stated before the Commission that the FAA passed order on 12/03/2020 and information has been furnished to the appellant as per the directions of FAA, to which the appellant did not object, nor raised any grievance. The appellant has not registered any say despite of opportunities given to him.
  
- 5) In the circumstances mentioned above, the Commission concludes that the information sought by the appellant vide application dated 14/10/2010 has been furnished to him by the APIO/PIO. However, before closing, the Commission find it necessary to mention that under section 7(1) of the Act, the PIO is required to furnish the information within 30 days from the date of application. In this matter, the PIO furnished part information after the mandatory period of 30 days and then furnished the remaining information after the directions issued by the FAA. The Commission also reminds the FAA that under section 19(6) of the Act, the first appellate authority is required to decide the appeal within 30 days or not exceeding a total of 45 days from the receipt of the appeal. The appellant, in this matter had filed first appeal on 09/12/2019 and the FAA passed order on 12/03/2020, after the expiry of stipulated period to decide the first appeal and after the appellant filed second appeal before the Commission. The PIO as well as the FAA are required to be more efficient and transparent in the functioning with reference to the RTI matters.

- 6) In the light of above discussion, the present appeal is disposed with the following order :-
- (a) As the information sought by the appellant vide application dated 14/01/2019 has been furnished by the APIO/PIO, the prayer for information becomes infructuous and no more intervention of the Commission is required in this matter.
  - (b) The PIO and the FAA are directed to be more diligent while dealing with RTI applications and first appeals respectively.
  - (c) All other prayers are rejected.
- 7) 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