

# GOA STATE INFORMATION COMMISSION

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

## **Appeal No. 174/2021/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 : 03/08/2021

Decided on : 07/01/2022

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

RTI application filed on	: 30/03/2021
PIO replied on	: Nil
First appeal filed on	: 03/05/2021
FAA order passed on	: Nil
Second appeal received on	: 03/08/2021

## **ORDER**

1. The brief facts of this appeal are that, the appellant vide application dated 30/03/2021 sought information pertaining to a construction, from Respondent No. 1 Public Information Officer (PIO). The PIO did not furnish the information within the stipulated period, hence being aggrieved, the appellant filed appeal dated 03/05/2021 before the Respondent No. 2 First Appellate Authority (FAA). The FAA did not entertain the appeal till the end of the mandatory period as provided in the

Right to Information Act, 2005 (for short, the Act). Thus the second appeal is preferred by the appellant before the Commission. The appellant prays for complete information, penalty under section 20(1) and 20(2) of the Act against the PIO and compensation to him.

2. The appeal was registered on 03/08/2021, the concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice, the appellant appeared in person. Shri. Vyankatesh Sawant, PIO appeared and filed reply on 02/12/2021 alongwith the enclosures.
3. The PIO stated in the reply that he had issued memorandum dated 31/03/2021 to Shri. Subha Amonkar, APIO and Smt. Anuradha Natekar, LDC to provide the information sought by the appellant. The PIO further stated that since the information could not be furnished within the stipulated period, the appellant filed first appeal. However the first appeal was not heard by the FAA. Now, during the proceeding before the Commission he has furnished the information to the appellant vide letter dated 29/10/2021.
4. The appellant, on receipt of the said information stated that he is not satisfied with the information furnished as the same is not complete. The appellant argued that both respondents are habitual offenders of the Act, the PIO does not furnish the information within the stipulated period and the FAA does not hear the appeal within the mandatory period.
5. After perusal of the submissions of both sides and upon hearing the arguments of the appellant, the Commission wishes to highlight the provisions of the Act which primarily

aims at disclosing maximum information to the citizen and bring transparency in the administration.

6. Section 7(1) of the Act requires PIO to furnish the information to the applicant within 30 days from the date of receipt of the request. Likewise section 19(6) mandates the FAA to dispose the first appeal within 30 days of the receipt of the appeal or within 45 days from the date of filing the appeal, for reasons to be recorded in writing. Further, section 20 (1) provides for penalty and section 20 (2) provides for disciplinary action against the PIO for not complying with provisions of the Act. Though the Act provides no punishment on the FAA entertaining and deciding the first appeal in a time bound manner is the duty of the FAA and any lapse in performing such duty amounts to dereliction of duty by FAA.
7. During the arguments on 23/12/2021 the appellant requested this Commission to remand the matter to the FAA since the FAA has not heard the matter. In the present situation and on the background of the facts mentioned above, the Commission finds the appellant's request is justified.
8. Hence the appeal is disposed with the following order:-
  - (a) The matter is remanded to the First Appellate Authority (FAA), The Chief Officer, Mapusa Municipal Council and the FAA is directed to hear the appeal dated 03/05/2021 filed by the appellant. The FAA shall decide the same on merit in accordance with the law, without insisting on the period of limitations.

- (b) The appellant shall approach this Commission by way of fresh appeal, if aggrieved by the decision of the FAA, within the period of limitation.

Proceedings 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

KK/-