GOA STATE INFORMATION COMMISSION
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Appeal No. 19/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa. 403507. .....Appellant

V/S

1. The Public Information Officer, M.E-II,
Mr. Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. The FAA, The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 25/01/2021
Decided on: 07/03/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, H. No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 09/09/2020, filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of Mapusa Municipal Council, Mapusa-Goa.
2. Since the said application was not responded by the PIO within stipulated time, deeming the same as refusal, he filed first appeal before the Chief Officer, Mapusa Municipal Council, Mapusa Goa being the First Appellate Authority (FAA).
3. The FAA by its order dated 29/10/2020 disposed the said appeal and directed the PIO to ensure that information is furnished within 3 days to the Appellant.
4. Since the PIO failed to comply the order of FAA and furnish the information, the Appellant landed before the Commission with this second appeal under section 19(3) of the Act.

5. Notice was issued to parties, pursuant to which PIO, Shri. Vynkatesh Sawant appeared and filed his reply on 29/11/2020 and submitted that information sought by the Appellant was furnished to the Appellant vide letter No. MMC/ENGG/ILL/ RTI/55/6216/2020 dated 29/10/2020 and the same was received by the Appellant on 30/10/2020. He also placed on record the letter dated 29/10/2020 with the endorsement of the Appellant.

6. It is noticed that though the Appellant has received the information and acknowledged the same on 30/10/2020, the Appellant has filed this appeal on 25/01/2021. In para 3 of the appeal memo, the Appellant has even stated that the PIO has ignored to comply with the direction of his higher authority. Further under prayer clause, Appellant has sought direction to PIO to furnish the requested information.

7. The chronology of the events indicate that the Appellant has either filed this appeal without application of mind or deliberately to harass the public authority and has also to waste the resources of this Commission. This inference is derived from the fact that there is no justification, either given by the Appellant or otherwise, of filing this second appeal when the information has been divulged to the Appellant and endorsed by him immediately on the next date of the order of FAA.

8. The Appellant has further failed to make a point on whether the information furnished is incomplete, and if so, on what level, either in the appeal memo or later during arguments, when the Appellant was intermittently present. The Commission, therefore, is of the considered opinion that the appellate procedure provided in the Act has been taken too casually thereby resulting in wastage of the resources of the Commission.

9. Since the available information has been furnished, no intervention is required. Appeal is therefore dismissed.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner