

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No.21/2022/SCIC

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

.....Appellant

V/S

1. The Public Information Officer,
Inspector of Civil Supplies,
Department of Civil Supplies and Consumer Affairs,
Bardez Taluka,
Morod, Mapusa-Goa.

2. The First Appellate Authority,
Joint Mamlatdar-III,
Office of the Department of Civil Supplies and
Mamlatdar of Bardez at Morod,
Mapusa-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 10/01/2022

Decided on: 22/06/2022

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward No. 11, Khorlim, Mapusa- Goa, by his application dated 13/09/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Department of Civil Supplies and Consumer Affairs, Morod, Mapusa-Goa.
2. The said application was responded by the PIO on 11/10/2021 in the following manner:-

"With reference to your RTI application received by this office on 13/09/2021, pertaining to Unique Ration Card No. 00015878, the information sought by you is not available."

3. Dissatisfied with the reply of the PIO, the Appellant filed first appeal before the Joint Mamlatdar-III being the First Appellate Authority (FAA).
4. Since the FAA failed and neglected to hear and dispose the first appeal within stipulated period, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act, with the prayer to direct the PIO to furnish the information, to impose penalty on the PIO and to award the compensation for the detriment suffered to him.
5. Notice was issued to the parties, pursuant to which, the PIO, Shri. Bhanu Gotlekar, Inspector of Civil Supplies, Mapusa Bardez-Goa appeared and filed the reply alongwith bunch of documents, the representative of FAA appeared, however opted not to file his say in the matter.
6. In spite of the valid service of notice, the Appellant failed and neglected to appear before the Commission for hearings on 22/02/2022, 29/03/2022, 05/05/2022, 16/06/2022 and 22/06/2022. I therefore dispose the present appeal on the basis of submission made by the PIO and dealt with as per the records.
7. Perused the pleadings, reply, scrutinised the documents on record and written submission filed by the PIO.
8. On perusal of the RTI application, it is revealed that, Appellant had sought information with regards to Unique Ration Card No. 00015878 with head of family Smt. Shubhangi G. Vaigankar, seeking certified copies of all the supporting documents in issuing the said card to the applicant, however in first instant it was rejected as same was not available.
9. The PIO in his reply dated 22/02/2022 contended that, the Appellant while seeking the information attached the copy of

Ration Card which shows FPS Owners Name and Address as: Kishori D. Shinde FPS No. 10 and therefore on receipt of the RTI application they conducted the search in the record of Fair Price Shop No. 10 maintained by the public authority and since it was not available in the bundle of FPS No. 10, he informed the Appellant that the said information is not available.

However on 18/02/2022 when the staff of the public authority while searching some other documents, they located the information of Smt. Shubhangi G. Vaigankar in the bundle of Fair Price Shop No. 4. The PIO elaborate that the holder of Unique Ration Card No. 00015878 Smt. Shubhangi G. Vaigankar had shifted her ration card from Fair Price Shop No. 4 to Fair Price Shop No. 10 and therefore they could not locate the file when RTI application was filed. Now they have located the file, and information pertaining to the same is produced by the PIO. He also filed his detail reply and expressing his regret in the matter.

10. Since the Appellant did not participated in the appeal proceeding despite of fair opportunities, I presume and hold that the Appellant has no say to offer. The reply filed by the PIO has gone unchallenged.
11. The Commission find that, the information sought for has been provided free of cost to the Appellant, which is lying in the records of the proceeding. Leave is granted to the Appellant to collect the copy of the said document.
12. The delay caused in furnishing the information has been reasonably explained by the PIO. I do not find the delay in furnishing the information is intentional or deliberate. Considering the above I find no ground to impose the penalty on the PIO as prayed by the Appellant.

13. I hereby dispose the appeal with the liberty to the Appellant to collect the copy of the information produced by the PIO within 30 days from the receipt of this order.

- The appeal stand dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

SD/-

(Vishwas R. Satarkar)

State Chief Information Commissioner