

GOA STATE INFORMATION COMMISSION

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Appeal No. 216/2020

Anant Navso Gadekar,
H.No. 599, Chonsaiwadda,
Parsem, Pernem-Goa. 403512

.....Appellant

V/S

1. Shri. Ravishekar Nipanikar, PIO,
The Deputy Coolector & SDO,
Pernem-Goa.

2. Vandana Rao, IAS/FAA,
Additional Collector-I,
North Goa District, Panaji-Goa.

.....Respondent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 17/12/2020

Decided on: 06/04/2022

FACTS IN BRIEF

1. The Appellant, Shri. Anant Navso Gadekar, r/o. H.No. 599, Chonsaiwadda, Parsem, Pedne, Goa by his application dated 11/09/2020 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), the Deputy Collector and Sub-Divisional Office at Pernem, Goa.
2. The said application was responded by the PIO on 05/10/2020 with a request to visit the office of PIO for clarification on any working day and thereafter by additional reply dated 20/10/2020 informed the Appellant to collect the information on payment of fees and to carry out the inspection with regards to information on point No. 12.
3. Being aggrieved with the said reply, Appellant preferred first appeal on 04/11/2020 before the Additional Collector-I, North Goa at Panaji-Goa.
4. The FAA by its order dated 08/12/2020 upheld the reply of the PIO, thereby dismissed the first appeal.

5. Dissatisfied with the order of FAA, the Appellant has landed before the Commission in this second appeal under section 19(3) of the Act, with the prayer to direct the Respondents to furnish the information free of cost and to impose the penalty and disciplinary action on PIO and FAA for providing misleading and incomplete information.
6. Notice was issued to the parties, pursuant to which the representative of PIO appeared and placed on record the reply of PIO on 02/09/2021. The FAA duly served opted not to appear in the matter.
7. I have perused the pleadings, reply, scrutinised the documents on record and considered the written submissions of the parties.
8. Representative of PIO, Shri. Aditya Kamat, submitted that alongwith the reply dated 20/10/2020, Appellant was provided with the copy of Police report dated 28/03/2020, Copy of NC complaint dated 17/03/2020, copy of notice issued to the Appellant in case No. MAG/107/Crpc/49/2020. He also produced the copy of statement of disposal of total cases and informed that rest of the information is not available in the records of public authority. He was also informed that if he is not satisfied with the information provided to him, inspection was offered particularly with respect to the information on point No. 12.

He further submitted that, the Appellant thereafter visited the office of PIO and inspected the file in case No. MAG/107/Crpc/49/2020 and also on the same day he was provided all the information and to substantiate his contention, he produced on record the endorsement and acknowledgment of the Appellant on letter dated 05/10/2020.

9. Upon the clarification, the Appellant submitted that he is layman and illiterate, and that the staff of the office of Deputy Collector,

Pernem obtained signature from him, on the paper, however no information was provided to him after inspection of the file. The Commission therefore intervened and directed the PIO to furnish the fresh set of documents with regards to information at point No. 12 and matter was posted for compliance on 31/03/2022.

10. On the next date of hearing i.e on 31/03/2022, the present PIO, Smt. Shanti Poke, Dy. Collector of Pernem appeared and furnished a bunch of documents to Appellant and submitted that she has furnished the entire copy of proceeding initiated by the office of Deputy Collector & Sub-Divisional Magistrate in case No. MAG/107/CRpc/46/2020 and besides this no information is available with the records of the Public authority.
11. Records reveals that, the PIO replied to the RTI application on 05/10/2020 and on 20/10/2020 i.e within stipulated time as contemplated under section 7(1) of the Act. The Appellant failed to prove that PIO acted with malafide intention or deliberately withheld the information.
12. In the above circumstances, I find that the available information is duly provided to the Appellant free of cost. I therefore find no ground to impose penalty on PIO or to recommend disciplinary action on PIO as prayed by the Appellant. The appeal is therefore disposed off with the following:-

ORDER

- The appeal is dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner