GOA STATE INFORMATION COMMISSION
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Appeal No. 241/2021/SCIC

Shantaram N. Bhat,
C/o. Rajendra Shanbag, F3,
Saideep Apartment, Kiralwada,
Chimbel-Goa. 403006. .....Appellant

V/S

1. Public Information Officer,
Sub Divisional Police Officer,
Margao-Goa. 403601.

2. First Appellate Authority
Superintendent of Police (South),
Margao-Goa. 403601. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 28/09/2021
Decided on: 13/04/2022

FACTS IN BRIEF

1. The Appellant, Shri. Shantaram N. Bhat, C/o. Rajendra Shanbag, F-3, Saideep Apartment, Kiralwada, Chimbel-Goa by his application dated 01/07/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought copy of complaint lodged by Mr. Sandeep Prabhudesai against the Appellant at Fatorda Police Station on 09th April 2021 from the Public Information Officer (PIO), office of Sub-Divisional Police Officer at Margao Goa.

2. The said application was responded by PIO on 28/07/2021. Unsatisfied with the reply of PIO, the Appellant preferred first appeal before the Superintendent of Police (South), Margao Goa being the First Appellate Authority (FAA).

3. The FAA by its order dated 16/09/2021 disposed off said appeal upon the assurance of PIO to provide the information.

4. Since the PIO has failed to comply with the order of the FAA, Appellant preferred this second appeal before the Commission under section 19(3) of the Act.

5. Notice was issued to the parties, pursuant to which representative of PIO, Shri. Dindayal S. Redkar appeared and placed on record the reply of the PIO on 19/01/2022. FAA duly served opted not to appear in the matter.

6. I have perused the pleadings, reply and scrutinised the documents on record.

7. According to the Appellant, the FAA disposed off the first appeal on the basis of assurance given by the PSI, Sarvesh Bhandari, who was appearing in first appeal on behalf of PIO. However in de-facto he did not furnish the information.

8. During the course of argument, the Appellant submitted that he needs to produce the copy of said complaint before the Dy. Labour Commissioner at Margao Goa to support his case and only pressed for the copy of complaint dated 09/04/2021 filed against him.

9. On perusal of the reply filed by PIO dated 19/01/2022, nowhere it is divulged that the copy of said complaint has been furnished to Appellant. The PIO has substantially failed to produce iota of evidence on record that he has furnished the information to the Appellant as per his RTI application.

10. After filing his reply, the PIO also did not appear for hearings on 22/02/2022, 05/04/2022 and 13/04/2022 and rebutted the contention of Appellant.

11. Considering the above fact and circumstances, I find that PIO has deliberately withheld the information from being disclosed to the Appellant. The appeal is therefore allowed with the following:-

ORDER

- The PIO, Sub-Divisional Police Officer, Margao Goa shall furnish the Appellant free of cost the copy of complaint

lodged by Shri. Sandeep Prabhudesai against the Appellant on 09th April 2021 within **FIFTEEN DAYS** from the receipt of this order.

- Appeal is disposed accordingly.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner