

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 275/2021/SCIC

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

.....Appellant

V/S

1. The Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 29/10/2021

Decided on: 14/12/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward no. 11, Khorlim-Mapusa, Goa by his application dated 22/06/2021 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Mapusa Municipal Council, Mapusa-Goa.
2. Since the said application was not responded by the PIO within the stipulated time, deeming the same as refusal, the Appellant preferred first appeal before the Chief Officer, Mapusa Municipal Council at Mapusa Goa being the First Appellate Authority (FAA).
3. Since the FAA also failed to hear and dispose the first appeal within stipulated time, the Appellant landed before the Commission by the way of this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to furnish the information and also to impose penalty on PIO for denying the information.

4. Notices were issued to the parties, pursuant to which, the PIO, Shri. Rajendra Bagkar appeared and filed his reply on 28/09/2022, representative of the FAA, Adv. Pallavi Dicholkar appeared and filed her reply on 11/07/2022 and matter fixed for rejoinder on 06/12/2022.
5. During the course of hearing on 06/12/2022, the PIO Shri. Rajendra Bagkar appeared and submitted that he has furnished all the information to the Appellant on 06/09/2022 and produced on record the copy of acknowledgment receipt of the Appellant.
6. The Appellant admitted the fact that he had received the information, however insisted for imposition of the penalty on the PIO for delay in furnishing the information.
7. It is a matter of fact that, there was a delay in filing the present appeal. Therefore taking the overall view of the matter and considering the contributory lapse on the part of the Appellant and thus applying the principle of equity, I am refrain from imposing any penalty on the PIO.
8. In view of above, since the purported information has been furnished to the Appellant, the appeal is disposed off.
 - Proceeding closed.
 - Pronounced in the open court.
 - Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner