**GOA STATE INFORMATION COMMISSION**
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**Appeal No. 41/2021/SCIC**

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

V/S

1. Public Information Officer/ME- II,
Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. First Appellate Authority/The Chief Officer,
Mr. Kabir Shirgaonkar,
Mapusa Municipal Council,
Mapusa-Goa. 403507. .....Respondents

**Shri. Vishwas R. Satarkar** State Chief Information Commissioner

**Filed on: 18/02/2021**
**Decided on: 14/03/2022**

## ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, H. No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 19/10/2020, 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, the Appellant preferred first appeal before the Chief Officer, Mapusa Municipal Council at Mapusa Goa being the First Appellate Authority (FAA).

3. The FAA by its order dated 14/01/2021 disposed the said appeal and directed the PIO to furnish the information to the Appellant free of cost.

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

5. Notice was issued to the parties, pursuant to which the PIO, Mr. Vyankatesh Sawant appeared and filed his reply on 01/10/2021 duly furnishing copy to the Appellant and submitted that information sought by the Appellant was furnished to the Appellant vide letter No. MMC/Admn/RTI/6662/2020 dated 17/11/2020 through Registered A.D. which is duly acknowledged by the Appellant on 23/11/2020. He also placed on record the letter dated 17/11/2020 and acknowledgement receipt of Department of Post.

6. It is noticed that the Appellant filed one complaint against one worker of Mapusa Municipal Council by name Premanand Arlekar on 20/01/2020 on the basis of photograph of Chit chating on duty and C.C. to the Director, Directorate of Urban Development, Panaji Goa. The Department of Urban Development (Municipal Administration) by letter dated 18/02/2020 forwarded said copy of complaint back to Chief Officer, Mapusa Municipal Council, Mapusa Goa to conduct necessary inquiry in the matter. The Appellant sought the information from the PIO with respect to the action taken in the said matter.

7. The PIO in his reply to RTI application dated 17/11/2020 inform the Appellant that said letter dated 18/02/2020 was inwarded in the office of public authority on 20/02/2020 and forwarded it to Administrative Section and same is under process with Administrative Section.

8. In the course of arguments the PIO pointed out that the nature of information sought under the application is frivolous and futile and filed only to harass the public authority with ulterior motive to settle score either with individual or with the public authority.

He also submitted that information on point No. 6 is the letter received from the Additional Director of Urban Development and is under process of inquiry with the Administrative Section and since the said information is not available with him, it cannot be furnished.

9. On going though the RTI application of the Appellant it indicates that, the information sought is of personal in nature and no public interest is involved and I find force in the arguments of the PIO.

The PIO can only supply the material in any form as held by public authority. The Act does not require the PIO to deduce some conclusion from the material and supply the conclusion so deduced to the Appellant.

10. In view of the fact that the existing and available information has been furnished to the Appellant free of cost and remaining part cannot be ordered to be furnished, no any issue survives. I find that the appeal is devoid of any merit and hence dismissed.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner