

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. 63/2021/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: 17/03/2021

Decided on: 04/03/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, H.No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 23/11/2020, filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Respondent No. 1, Public Information Officer (PIO). According to the Appellant said application was not responded by PIO, therefore deeming the same as refusal he filed first appeal before the Chief Officer, Mapusa Municipal Council, Mapusa Goa being the First Appellate Authority (FAA).
2. The FAA by its order dated 28/01/2021 allowed the said appeal and directed the PIO to furnish the available information to the Appellant within 30 days.
3. Since the PIO failed to comply the order of FAA and furnish the information, the Appellant landed before the Commission in this second appeal under section 19(3) of the Act.

4. Notice was issued to parties, pursuant to which PIO, Shri. Venkatesh Sawant appeared and filed his reply on 24/09/2021 duly furnishing copy to the otherside.
5. In the said reply, he raised the preliminary objection that the appeal is not maintainable as same suffers from serious infirmity and anomalies and produced two RTI applications dated 23/11/2020 addressed to PIO, Mapusa Municipal Council, Mapusa Goa and further submitted that RTI application produced before FAA in first appeal is different from the application attached with the present appeal.
6. I have perused the appeal memo, reply of the PIO and scrutinised the documents on record.
7. On perusal of the order of FAA dated 28/01/2021, it is observed that the said order is non-speaking order and FAA mechanically directed PIO to furnish the information.

FAA while deciding the first appeal under the Act is performing a quasi-judicial function. It is therefore necessary that the order passed by the appellate authority should be a speaking order giving justification to the decision arrived at.

8. In fact, the opportunity was given to the Appellant to argue the matter on next date of hearing on 21/10/2021. In spite of this, the Appellant has remained absent on all subsequent hearings i.e on 29/11/2021, 21/01/2022 and 04/03/2022. In view of his continues absence, I feel that, the Appellant is not disputing the contents of the reply. In these circumstances I have no reason to disbelieve or discard the reply of the PIO.
9. After perusing both the RTI applications produced by the PIO, I find force in the arguments of PIO. Therefore the Commission is of the opinion that the present appeal is an inappropriate

use of provisions of the Act. The Act should not be allowed to be misused or abused to become a tool to obstruct the administrative machinery by wasting the resources of the public authorities and the Commission. The Commission hereby warns the Appellant not to misuse the cherished right given to him by the Act by filing such vexatious appeals.

In the above given circumstances, the appeal is dismissed being redundant.

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

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner