

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 08/2022/SIC

Mahesh Kamat ,
'Blossom', 101,
Seasons Coop. Housing Society,
Murida, Fatorda Goa
403602.
v/s

..... Appellant

Shri Sanjay Ghate,
The Public Information Officer,
Kadamba Transport Corporation Ltd.,
Porvorim- Goa.

..... Respondent

Filed on : 03/01/2022

Decided on : 08/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 20/08/2021
PIO replied on	: 21/09/2021
First appeal filed on	: 22/10/2021
FAA order passed on	: 10/12/2021
Second appeal received on	: 03/01/2022

ORDER

- 1) The second appeal filed by the appellant under section 19 (3) of the Right to Information Act, 2005 (for short, the Act) against respondent Public Information Officer (PIO), came before the Commission on 03/01/2022. Appellant prays for directions to PIO to disclose the reference of location of the records he sought, on the website of Kadamba Transport Corporation Limited (K.T.C.L).
- 2) The facts in brief of this appeal, as contended by the appellant are that vide application dated 20/08/2021 he sought certain

- information from PIO. Aggrieved with the reply dated 21/09/2021, he filed appeal dated 22/10/2021 before the First Appellate Authority (FAA), Managing Director, KTCL. FAA vide order dated 10/12/2021 dismissed the appeal. Being aggrieved, appellant preferred second appeal before the Commission.
- 3) The concerned parties were notified and pursuant to the notice, appellant and PIO appeared before the Commission. PIO filed written statement dated 17/02/2022, whereas the appellant filed written argument on 08/03/2022, oral arguments of both the sides were heard on the same day.
 - 4) Appellant stated that vide application dated 02/03/2019 he had sought information pertaining to his compulsory retirement and the PIO had replied that the desired information is available on the website. FAA and the Commission had upheld PIO's decision and dismissed the appeal. However the appellant did not find the desired information on the website of K.T.C.L. Hence he filed application dated 20/08/2021 requesting the PIO to furnish the reference of the location of the said records on the website of K.T.C.L. Appellant further stated that the information sought is not exempted under section 8 and 9 of the Act. According to the respondent PIO, the same is uploaded on the website, therefore PIO is bound by his submission and must show the information on the website.
 - 5) PIO stated that the appellant is a habitual applicant and he is seeking similar information multiple times vide various applications. Appellant has been furnished all the information during requests made in the past. Also the information available in records has been uploaded on the website of K.T.C.L., with pages serially numbered. Appellant is in a habit of wasting time of public

authority as well as the Commission and hence the same should not be entertained.

- 6) Appellant while forwarding his arguments stated that vide application dated 02/03/2019, he had sought information on 15 points and Commission vide order dated 28/04/2021 had upheld PIO's contention that the information is uploaded on the website. However information on point no. 10 to 15 is not found on the website.
- 7) PIO, during arguments stated that the entire available information has been uploaded on the K.T.C.L. website and the appellant is filing number of applications and appeals only with an intention to harass the PIO and his actions are causing wastage of time.
- 8) Upon careful perusal of the records of the present appeal, it is seen that the appellant earlier vide application dated 02/03/2019 had sought information on 15 points and the matter was disposed by the Commission vide order dated 28/04/2021. The Commission had held that the said information is available on the website of K.T.C.L. Later, the appellant filed another application dated 20/08/2021 seeking from PIO, reference of location of the record he sought, on the website of K.T.C.L which resulted in the present appeal.

Here, the Commission observes that the original subject matter of the application dated 20/08/2021 is pertaining to the application dated 02/03/2019 and the relevant appeal has been decided by the Commission vide order dated 28/04/2021. The Act does not provide for review or re-examination of earlier decisions, by the Commission, which the appellant is trying to explore with the help of the present appeal. Hence, the Commission refuses to

consider the prayer of the appellant seeking directions to PIO, based on the order passed by the Commission on 28/04/2021.

Also, the Commission is unable to issue any directions to the PIO based on the application dated 02/03/2019, since the said application is neither the subject matter of the present appeal, nor the same is part of the records of the present appeal. Hence, the commission finds it inappropriate to issue any directions to the PIO, as prayed by the appellant.

- 9) In the light of above discussion and the situation narrated above the Commission concludes that no relief can be granted to the appellant and the appeal needs to be decided accordingly.
- 10) Thus, the appeal is disposed as dismissed and the proceeding stands closed.

Pronounced in the open hearing.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission
Panaji - Goa

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