

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 130/2022/SIC

Shri. Ramesh S. Kerkar,
R/o. H.No. 3/15, Muddawadi,
Saligao, Bardez-Goa 403511.

-----Appellant

v/s

The Public Information Officer,
Village Panchayat Secretary,
Saligao -Goa.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 19/07/2021
PIO replied on	: 19/08/2021
First appeal filed on	: 07/09/2021
First Appellate Authority passed order on	: 26/04/2022
Second appeal received on	: 11/05/2022
Decided on	: 12/09/2022

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent Public Information Officer (PIO), Secretary, Village Panchayat Saligao-Goa came before the Commission on 11/05/2022.
2. The brief facts of this appeal are that, the appellant vide application dated 19/07/2021, had sought certain information from the PIO. Not satisfied with the information received, he filed appeal before the First Appellate Authority (FAA). Aggrieved with the order of the FAA the appellant had approached the Commission by way of second appeal. The said appeal was remanded by the Commission to the FAA and FAA vide order dated 26/04/2022 directed the PIO to furnish the remaining information. Appellant being aggrieved by non furnishing of complete information preferred this appeal before the Commission.
3. Pursuant to the notice, appellant appeared before the Commission praying for remaining information and penal action under Section 20 against the PIO. Smt. Pravisha Bhonsle, PIO appeared alongwith Advocate Vivek Rodrigues and filed an affidavit on 05/07/2022.
4. Appellant stated that, inspite of clear direction from the FAA, PIO has not furnished complete information. He is seeking the information to

expose the illegality committed by Panchayat members in connivance with the PIO.

5. PIO submitted vide an affidavit that, she has furnished the available information vide letter dated 19/08/2021. Information on point nos. 2 (a), (b), (c), (e) and 6 is not available in the records. Also, relevant documents sought by the appellant are not available. PIO further stated that, she has furnished the available information and has not denied any information to the appellant.
6. Upon perusal, it is seen that the PIO had furnished part information vide reply dated 19/08/2021, however, the appellant was not satisfied with the information provided. FAA vide order dated 26/04/2022 directed PIO to furnish the remaining information. During the proceeding before the Commission on 15/06/2022, PIO undertook to furnish the remaining information and file an affidavit regarding unavailable information. Accordingly, PIO filed an affidavit before the Commission on 05/07/2022.
7. It is seen that, the PIO has furnished the available information and the remaining information is not available in her records, as stated in the affidavit. Hence, the Commission concludes that the PIO has furnished the information as available and PIO cannot be directed to furnish the remaining information in view of the affidavit submitted by her. Needless to say that in case at any time the statements in the said affidavit are found false, the person swearing it would be liable for action for perjury.
8. In the background of the facts and findings as mentioned above, the present appeal is disposed as dismissed and proceeding stands closed.

Pronounced in the open court.

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

