

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in

Website: www.scic.goa.gov.in

CORAM: Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 18/2021/SIC

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

-----Appellant

v/s

1.The Public Information Officer,
M.E-II, Mr.Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa-Goa 403507.

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

3. Shri. Vinay Agarwadekar, APIO,
Mapusa Municipal Council,
Mapusa -Goa

-----Respondents

Filed on:-25/01/2021
Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 08/10/2020
PIO replied on	: 06/11/2020
First appeal filed on	: 09/11/2020
First Appellate authority order passed on	: 04/12/2020
Second appeal received on	: 25/01/2021

ORDER

1. Appellant, aggrieved by non furnishing of the information by Respondent No.1, Public Information Officer (PIO), inspite of direction issued by the Respondent No.2, First Appellate Authority (FAA), filed second appeal under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the Act) before the Commission.
2. Notice was issued to the concerned parties pursuant to which appellant, Shri. Vyankatesh Sawant, PIO and Shri. Vinay Agarwadekar, APIO appeared in person. PIO filed submission dated 24/05/2021 and 31/08/2021 reply dated 02/08/2021 and 06/09/2021. Appellant filed a submission on 06/10/2021.

3. PIO stated in his reply that upon receiving application dated 08/10/2020, he issued a memorandum dated 19/10/2020 to deemed PIO under section 5 (4) and 5 (5) of the Act. He could not appear before the FAA for hearing on first appeal as he was infected with Covid -19 and FAA vide order dated 04/12/2020 had directed APIO to furnish the information. However neither the deemed PIO nor the APIO furnished information to the appellant. PIO, further stated that vide letter dated 03/09/2021 he has furnished the information to the appellant and that the matter may be decided accordingly.
4. Appellant stated that Shri. Vyankatesh Sawant, PIO is a chronic defaulter in terms of furnishing information and payment of penalty be imposed on him. Appellant further stated that as prayed by the PIO, Shri. Vinay Agarwadekar, APIO may be impleaded in this matter as respondent.
5. The Commission has carefully perused the replies and other submissions of both the sides and has arrived at following findings.

As stated by the PIO, upon receiving the application, he issued a memorandum dated 19/10/2020 to the deemed PIO under section 5(4) of the Act with direction to furnish the information. However the deemed PIO did not furnish any information, hence appellant filed first appeal before FAA. Shri. Vinay Agawadekar, APIO appeared before FAA since the PIO was infected with Covid 19. FAA vide order dated 04/12/2020 directed APIO to furnish information, yet APIO did not comply the same. Later PIO vide notice dated 30/08/2021 directed APIO to furnish the information, even so, no action was taken by the APIO. Finally, vide letter dated 03/09/2021 PIO furnished the information to the appellant and filed a reply dated 06/09/2021 before the Commission on this, which is received and acknowledged by the appellant on the same day.

Appellant filed a submission before the Commission on 06/10/2021 stating that the PIO is a chronic defaulter and prayed to implead the APIO. However strangely, the appellant made no comments on the information furnished to him by the PIO.

6. Hence it appears that the PIO, inspite of non-cooperation from deemed PIO and APIO managed to furnish the information, though after the expiry of the stipulated period. On the other hand, the appellant, after receiving the information, appeared before the Commission with a request to penalize the PIO and implead the APIO, yet did not offer any comment on the information he received. This being so, it appears that the appellant is more interested in

impleading and penalising the respondent than getting the information.

7. With the findings mentioned as above, the Commission concludes that the information has been furnished as sought by the appellant and no penal action is required to be initiated against the PIO, since he never denied the information. The Commission takes into consideration the fact that the delay in furnishing the information has been caused due to non cooperation from deemed PIO and APIO, and the PIO cannot be held guilty for the same.
8. In the light of above discussion, the appeal is disposed with the following order:-
 - a) Since the PIO has furnished the information, as sought by the appellant vide application dated 07/10/2020, the prayer for information becomes infructuous and no more intervention of the Commission is required in the present matter.
 - b) All other prayer are rejected.
 - c) FAA, Chief Officer of Mapusa Municipal Council is directed to sensitize all deemed PIOs and APIOs regarding their duties and responsibilities with respect to the Act.

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