

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

## Appeal No. 260/2021/SIC

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

..... Appellant

**v/s**

1. The Public Information Officer (PIO),  
Mapusa Municipal Council,  
Mapusa-Goa, 403507

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

..... Respondents

Filed on : 14/10/2021

Decided on: 11/04/2022

### **Relevant dates emerging from appeal:**

RTI application filed on	: 09/06/2021
PIO replied on	: Nil
First appeal filed on	: 16/07/2021
FAA order passed on	: Nil
Second appeal received on	: 14/10/2021

## **ORDER**

1. Aggrieved with the non furnishing of information and non hearing of the appeal by respondent No. 1 Public Information Officer (PIO) and respondent No. 2 First Appellate Authority (FAA) respectively, appellant filed second appeal under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the Act).
2. The brief facts of this appeal are that the appellant vide application dated 09/06/2021 sought certain information from the PIO. As there was no response from the PIO within the stipulated period, appellant filed appeal dated 16/07/2021 before the FAA. The said appeal was not heard by FAA within the

mandatory period. Being aggrieved, he preferred second appeal against PIO and FAA.

3. Notice was issued to the concerned parties and the matter was taken up for hearing. PIO appeared before the Commission in person initially, however filed no reply, nor filed any submission. Later on 21/03/2022 he filed a reply. Appellant, though was absent initially, subsequently appeared and prayed for the information.
4. Upon perusal of the records of this appeal it is seen that the appellant has sought information on five points. However, the application was not replied by the PIO, nor the FAA heard the appeal. Appellant waited for completion of the mandatory period of 45 days, provided to FAA to decide the appeal and then filed second appeal.
5. It is also seen that Shri. Vyanktesh Sawant, the then PIO of Mapusa Municipal Council vide reply dated 21/3/2022 has stated that upon receiving the application he issued memorandum dated 21/06/2021 to the deemed PIO, to furnish the information to the appellant. Appellant filed first appeal on 16/07/2021, though no order was passed by the FAA. PIO issued another memorandum dated 22/11/2021 to the deemed PIO to furnish information to the appellant. However there was no response from the deemed PIOs. Shri. Vyanktesh Sawant further submitted that he is now transferred from Mapusa Municipal Council and he does not have any access to the records pertaining to the present appeal.
6. During the hearing on 21/03/2022, PIO requested the Commission to remand the matter to the FAA for decision. Curiously, appellant too prayed for remanding the matter to FAA with directions to the appellate authority to hear the appeal.
7. PIO and FAA are reminded of the fact that the object of the Act is to ensure maximum disclosure of information and minimum exemptions from disclosure. This will promote transparency and accountability in the working of the public authority. Thus PIO and FAA are required to respect the provisions of the Act and accordingly deal with applications and appeals respectively, filed under the Act.

8. In view of the facts of the case and the observations noted above, the Commission is of the opinion that the interest of the appellant needs to be protected, and at the same time opportunity needs to be given to the PIO to justify deemed denial of the information. Hence the Commission concludes that the present matter is required to be heard by the FAA and appropriate directions, if required, needs to be issued to PIO. In order to decide the matter in accordance with the law and procedure set out in the appellate structure, matter is required to be remanded to the FAA.

9. Accordingly, the appeal is disposed with the following order:-

- a) Matter is remanded to the First Appellate Authority (FAA), Chief Officer, Mapusa Municipal Council and the FAA is directed to decide the same in accordance with the law.
- b) The right of appellant to file second appeal, in case he is aggrieved by the order of the FAA, is kept open.

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