

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 40/2022/SIC**

Shri. Jawaharlal T Shetye,  
H.N. 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

**Relevant dates emerging from appeal:**

RTI application filed on	: 08/10/2021
PIO replied on	: Nil
First appeal filed on	: 17/11/2021
First Appellate Authority order passed on	: Nil
Second appeal received on	: 08/02/2022
Decided on	: 12/12/2022

**ORDER**

1. The brief facts of this appeal are that the appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought from Respondent No. 1, Public Information Officer (PIO) certain information. He received no reply from the PIO within the stipulated period, hence, filed appeal before Respondent No. 2, First Appellate Authority (FAA). The first appeal was not heard within the mandatory period, being aggrieved, the appellant preferred second appeal against both respondents before the Commission.
2. The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice, appellant appeared in person and pressed for the information. Shri. Prashant Narvekar, PIO, Technical section appeared and filed reply on 04/07/2022 and 14/09/2022. Shri. Santosh Humraskar, PIO, Administration section appeared and filed submission on 11/10/2022 and 13/10/2022. Miss. Pallavi S. Dicholker appeared on behalf of the FAA and filed reply dated 14/09/2022.

3. FAA stated that the first appeal was filed during the tenure of his predecessor and the appeal was not heard since the matter was not placed before the then FAA, by Shri. Vinay Agarwadekar, U.D.C., who was assigned the responsibility of handling RTI related matters. After the present FAA joined on 24/08/2022, upon perusal of the appeal memo, the said fact came to light. Hence, matter being unheard and not disposed off is not intentional and deliberate.
4. It is seen from the records that, the appeal memo of the instant appeal was collected by Shri. Vinay Agarwadekar, U.D.C., on behalf of the PIO and the FAA. Further, it is observed that the PIOs of Technical section and Administration section are not clear as to which section the subject matter pertains, hence both the PIOs have been transferring to matter to each other. Mapusa Municipal Council, the respondent public authority in the instant matter, have designated three PIOs for three different section, i.e. Technical, Administration and Taxation, and in the present matter PIOs of Technical and Administration sections were unable to own the responsibility of furnishing the information.
5. It has been observed that the appeal memo was collected by Shri. Vinay Agarwadekar, U.D.C., and the FAA has stated that the matter was not placed before the authority, by Shri. Agarwadekar, hence the same could not be heard. In such a case the FAA, who is the Chief Officer of the authority is required to enquire into the said matter and initiate action against the guilty officer.
6. Similarly, there appears to be confusion among the different PIOs regarding entertaining the applications filed by citizens under the Act. FAA, Chief Officer is required to streamline dealing and processing of the RTI applications and he himself needs to organize the admission of first appeals filed under Section 19 (1) of the Act and must ensure disposal of these appeals in compliance of Section 19 (6) of the Act.
7. With these observations, the Commission is of the opinion that since the first appeal was not heard by the FAA and that he is required to streamline functioning of PIOs of his authority, the present matter should be heard and decided by the FAA. Fresh hearing by FAA will provide an opportunity under Section 19 (5) of the Act to the concerned PIO /PIOs to explain their action before the FAA, which should result into disposal of the present matter on merit. Thus, the matter is required to be remanded to the FAA.

8. In the light of above discussion, the appeal is disposed with the following order:-

- a) The present matter is remanded to the FAA and the FAA is directed to hear and dispose the matter on merit.
- b) Appellant, if aggrieved by the order of the FAA, shall have right to file second appeal under Section 19 (3) of the Act, within the period of limitation.

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