

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 52/2021/SIC

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

..... Appellant

v/s

1. The First Appellant Authority,
Superintending Engineer II (N),
Electricity Department,
Panaji-Goa

2. The State Public Information Officer,
Executive Engineer Div-VI
Electricity Department, Mapusa-Goa

..... Respondents

Filed on 04/03/2021

Decided on 13/05/2022

Relevant dates emerging from appeal:

RTI application filed on	: 08/12/2020
PIO replied on	: 06/01/2021
First appeal filed on	: 06/01/2021
FAA order passed on	: 17/02/2021
Second appeal received on	: 04/03/2021

ORDER

1. Aggrieved by non furnishing of complete information, the appellant filed second appeal under section 19(3) of the Right to Information Act (for short, the Act) against Respondent No. 1 First Appellate Authority (FAA) and Respondent No. 2 Public Information Officer (PIO). The appeal came before the Commission with prayers such as complete information, penal action against PIO, etc.
2. Notice was issued to the concerned parties, pursuant to which appellant appeared and filed submission dated 04/01/2022. Similarly, Shri. Pradip N. Narvekar, PIO appeared alongwith Shri. Subhash Parsekar, APIO and filed reply dated 03/11/2021, 24/01/2022 and filed affidavit on 15/03/2022.

3. Appellant stated that the PIO has furnished incomplete and misleading information, hence he should be directed to furnish the complete and correct information. Appellant further contended that PIO has furnished inaccurate information for point No. 1 of his application. Also, the PIO has termed information at point No. 4 to 8 as no information under section 2(f) of the Act and has not furnished information on point No. 9 to 11. Appellant further stated that the FAA had directed the PIO to furnish copy of sanctioned strength, as sought by the appellant under point No. 10 of his application, yet the PIO has not complied the direction of the FAA.

4. PIO stated that the correct and available information has been furnished by him. Information sought under point No. 2 to 8 does not fall under the purview of the Act as the same is in question form. The available information at point No. 9 to 11 is already provided to the appellant. PIO further stated that FAA had directed him to furnish the information pertaining to sanctioned strength and working strength in Electricity Department, Saligao Office and the PIO has furnished the same vide reply dated 22/02/2021.

5. After careful perusal of the records, it is seen that the appellant vide application dated 08/12/2020 has requested for information on 11 points. PIO has furnished the information on point No. 1 and 2. Though initially appellant was not satisfied on the information provided under point No. 1, later vide reply dated 24/01/2022 complete information under point No. 1 was provided, which the appellant has acknowledged. Further, it is seen that information sought under point No. 3 to 8 is in question form and no documents with respect to questions asked under point No. 3 to 8 can be furnished. Hence, PIO is not required to furnish the information under those points.

It is noted that, for information under point no. 9, PIO conveyed the appellant vide letter dated 06/01/2021 that information is kept ready and the appellant may collect the same by paying Rs. 162. However, the appellant has not collected the same from the office of the PIO.

It is also noted that for information under point No. 11, PIO has furnished reply vide letter dated 06/01/2021.

6. Under point No. 10 of the said application the appellant has sought copy of sanctioned strength and working strength in the Saligao Office of Electricity Department. FAA vide order dated 1/02/2021 had directed PIO to furnish the complete information on point No. 10, however the PIO has furnished information pertaining to only the working strength by stating that information on sanctioned strength is not maintained by his office. Later, on 15/03/2022 PIO filed an affidavit stating the same. Therefore, the Commission upholds the contention of PIO that the information on the sanctioned strength in saligao office of Electricity Department is not available with the PIO.

7. With these observations and findings, the Commission concludes that the PIO has furnished information on point No. 1 and 2 and he is not required to furnish information on point No. 3 to 8. Information pertaining to point No. 9 was kept ready by the PIO and appellant was informed accordingly within the stipulated period. Part information on point no. 10 has been furnished and the remaining information is not available with the PIO. Lastly, the PIO has replied on point No. 11 of the application and the Commission finds the said reply satisfactory.

8. On the background of these facts the appeal is disposed with the following order:-
 - a) Appellant, if desires, may collect the information sought under point No. 9 of application dated 08/12/2020, after paying the requisite charges, within 20 days from the receipt of the order.

 - b) All other prayers are rejected.

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