

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 100/2021/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),
ME-II, Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa-Goa, 403507

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

..... Respondents

Filed on : 27/04/2021

Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 11/12/2020
PIO replied on	: 18/02/2021 & 19/02/2021
First appeal filed on	: 12/01/2021
FAA order passed on	: 25/02/2021
Second appeal received on	: 27/04/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 11/12/2020 sought certain information from Respondent No.1 Public Information Officer (PIO). Upon not receiving reply within the stipulated period, he filed appeal dated 12/01/2021 before Respondent No.2 First Appellate Authority (FAA), which was disposed vide order dated 25/02/2021. Not satisfied with the information furnished, appellant preferred second appeal under section 19(3) of the Right to Information Act, 2005 (for short, the 'Act').

2. Pursuant to the notice issued by the Commission, PIO appeared in person and filed reply dated 23/09/2021 and subsequent reply dated 15/03/2022. Appellant remained present initially, filed submission on 14/10/2021 and chose not to appear for further hearing.
3. PIO stated that after receipt of the application on 11/12/2020, he had issued memorandum dated 24/12/2020 and another memorandum dated 12/01/2021 to deemed PIOs directing them to furnish the information to the appellant. Records were checked and the available information was furnished to the appellant vide reply dated 18/02/2021 and 19/02/2021. PIO further stated that, the FAA in his order acknowledged the dispatch of information and directed the PIO to check office records for additional information. As per this direction, PIO searched the office records, yet no more information was found.
4. Appellant submitted that he, not satisfied with the information, filed first appeal and the FAA had directed the PIO to check office records and furnish the information. However, PIO has failed to furnish complete information.
5. Upon careful perusal of the records, it is seen that the appellant had sought information on ten points. PIO vide reply dated 18/02/2021 furnished information on five points. And further, vide letter dated 19/02/2021 informed appellant that information on point No.6 and 7 cannot be furnished as the same is more than 20 years old. Similarly it was informed that the information sought under point No. 8, 9 and 10 is not specific, hence cannot be furnished.

6. The information sought under point No. 6 and 7 is indeed very old, more than 20 years old and the Commission endorses PIO's stand that he will have to compromise with his regular duties and responsibilities in order to search and provide the said information. Similarly, information requested under point No. 8, 9 and 10 is not specific. Appellant has requested for information such as construction licences, list of names of persons who are allotted plots belonging to various Comunidades i.e. Mapusa, Corlim, Cuchelim etc. The information requested, falls under different sections of the council and PIO will be required to undertake detail search of records of more than 20 years, in order to furnish the same to the PIO.
7. Hon'ble Supreme court, in Civil Appeal No. 6454 of 2011 (C.B.S.E. and Anr. V/s Aditya Bandopadhyay and Ors) has held that the Act should not lead to employees of a public authority prioritising 'information furnishing' at the cost of their normal and regular duties. Subscribing to this ratio, the Commission endorses the stand of PIO that the information requested by the appellant under point No.6 to 10 is very old and not specific.
8. It is also noted that the appellant, who is a regular litigant and attends the proceeding himself, has not appeared in this particular matter inspite of number of opportunities provided to him to argue. He chose not to appear and press for the information, while he appeared in same other matters during the same period.
9. On the background of the circumstances mentioned above, the Commission concludes that the PIO has furnished the available information and the appellant do not deserve any relief in the matter and the appeal needs to be decided accordingly.

10. Thus, the appeal is disposed as dismissed and the proceeding stand 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