

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 12/2021/SIC

Mr. Aslino Fernandes,
H.No.525, Boutewaddo,
Assagao, Bardez-Goa.

..... Appellant

v/s

The Public Information Officer (PIO),
Administrator of Comunidade,
Mapusa-Bardez Goa.

..... Respondent

Filed on : 20/01/2021

Decided on : 19/01/2022

Relevant dates emerging from appeal:

RTI application filed on	: 11/06/2020
PIO replied on	: 25/09/2020
First appeal filed on	: 07/08/2020
FAA order passed on	: 04/11/2020
Second appeal received on	: 20/01/2021

ORDER

1. The brief facts of this appeal, as contended by the appellant are that the appellant vide application dated 11/06/2020 sought information from Respondent Public Information Officer (PIO), Administrator of Comunidade, Bardez. He received no reply from the PIO within the stipulated period of 30 days and filed appeal dated 07/08/2020 before the First Appellate Authority (FAA), Additional Collector - III, Mapusa Goa. The FAA, after hearing both the sides, vide order dated 04/11/2020 held that the information is already furnished and dismissed the appeal.

2. Being aggrieved, the appellant preferred second appeal before the Commission, praying for the remaining information and penalty be imposed on PIO under section 20 of the Act. The concerned parties were notified and the matter was taken up on board for hearing.
3. The appellant is represented by his advocate and also appeared in person. Respondent PIO is represented by advocate Sanjeev Sawant. It is seen from the records of this case that though the appellant remained present or was represented by his advocate, no written submission has been filed by him during the proceeding before the Commission. Similarly the PIO was represented by his advocate, however no reply is filed by him. Therefore, the Commission has relied on the available records of the case.
4. It is observed that the appellant sought information in two parts. In part 1 he sought information pertaining to a complaint filed by him, and part 2 of the application is pertaining to the action taken or steps taken by the authority upon receipt of the said complaint. Further it is seen that the PIO vide reply dated 25/09/2020 furnished the information pertaining to part 1 and part 2. The information furnished includes copy of the complaint dated 18/02/2020 addressed to the Administrator of Comunidade, Mapusa, Bardez, copy of Agreement of Assignment of Grant by Comunidade of Assagao, copy of Official Gazette of Government of Goa, copy of a newspaper cutting and copy of a letter dated 06/03/2020 written by the Administrator of Comunidade of North Zone, Mapusa, Bardez Goa, asking the Attorney to give parawise comments in the matter raised by the Complainant, who is the appellant in this matter.
5. The appellant in oral arguments stated that he is satisfied with the information provided under part 1, however part 2, i.e. the

steps/action taken by the authority on his complaint is not complied. By stating this, he insisted on getting the action taken report.

6. It appears from the available records that the letter dated 06/03/2020 written by the Administrator of Comunidade of North Zone to the Attorney of Comunidade of Assagao has been furnished as information with reference to part 2 of the application, i.e. action taken report. The Commission observes that the Administrator of Comunidade of North Zone wrote a letter to the Attorney of Comunidade of Assagao, seeking his comments on the complaint filed by the appellant. The same document has been furnished as action taken report - information sought by the appellant under part 2 of his application dated 11/06/2020. However, the appellant does not seem to be satisfied with the action taken by the respondent, Administrator of Comunidade of North Zone.
7. Thus the Commission brings to the notice of the appellant that if he is aggrieved or unhappy with the action taken by the Respondent on issues raised by him in his complaint, then he is required to approach relevant authorities to raise his grievances. The jurisdiction of the Commission is limited to furnishing the available information and the Commission is empowered to penalise the PIO if the available information is not furnished by him to the applicant. However in the present matter, as concluded by the first appellate authority, the Commission too finds that the PIO has furnished the available information.
8. Thus the Commission finds no fault with the decision of the first appellate authority and is of the view that the PIO has furnished the information sought by the appellant vide application dated

11/06/2020. The order dated 04/11/2020 passed by the FAA is required to be upheld and the appeal needs to be dealt accordingly.

9. In view of the facts as discussed above, the Commission concludes that the appeal is bereft of merit and hence the appeal is dismissed and the proceeding stands closed.

10. 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

kk/-