

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. 129/2020

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

....Appellant

V/s

1. The Public Information Officer,
Mamlatdar of Bardez, Morod,
Mapusa-Goa

2. The First Appellate Authority,
The Dy. Collector and SDO
Bardez, Morod,
Mapusa-Goa

....Respondents

Filed on: 28/08/2020

Decided on: 24/06/2022

Relevant dates emerging from appeal:

RTI application filed on	: 07/05/2020
PIO replied on	: Nil
First appeal filed on	: 17/06/2020
FAA order passed on	: Nil
Second appeal received on	: 28/08/2020

ORDER

1. The second appeal filed by the appellant under section 19(3) of the Right to Information Act (hereinafter referred to as the 'Act') against Respondent No. 1 Public Information Officer (PIO) and Respondent No. 2 First Appellate Authority (FAA), came before the Commission on 28/08/2020.
2. Appellant contended that he is aggrieved with the PIO for non furnishing of the information and also with the FAA for non hearing of the first appeal.

3. Pursuant to the notice, PIO appeared and filed reply dated 20/11/2020, stating the information could not be furnished due to the Covid-19 pandemic situation. However later he furnished the available information before the FAA on 17/09/2020.
4. PIO vide reply dated 31/05/2022 stated that complete information has been furnished to the appellant and regarding information on Point no. 5 of the application, the PIO shall provide inspection to the appellant as sought by him.
5. Upon perusal of the records of this case, it is seen that the PIO could not furnish the information initially due to the Covid-19 pandemic situation and FAA could not hear the first appeal within the mandatory period since the concerned officers were on field duty during the pandemic and no office work including the hearing of the first appeals could be handled in time. However, later PIO has made efforts to furnish the information including the inspection sought by the appellant. Similarly, on 31/05/2022 the appellant acknowledged the receipt of the information and has undertaken to visit PIO's office in order to carry out the inspection of the records pertaining to point No. 5 of his application.
6. Thus, the Commission concludes that the information has been furnished to the appellant and the same has been acknowledged by him. No intentional malafide can be attributed to the delay in furnishing the information by the PIO, hence there is no need to initiate penal action under section 20 of the Act against the PIO.
7. In the light of the above discussion the appeal is disposed with the following order:-
 - a) Since the information sought vide application dated 07/05/2020 has been furnished to the appellant, the prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.
 - 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