

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 134/2020/SIC-I

Shri Rajkumar Raju Gadge,
Off Nos. 301,302 & 306,
3rd Floor, Commerce Center Building,
Opp. Old Mapusa Municipality,
Mapusa-Goa, 403507

....Appellant

V/s

1) The Public Information Officer
(PIO),
Main Engineer II
(Vyankatesh Sawant)
Mapusa Municipal Council,
Mapusa-Goa – 403507.

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

3) Public Information Officer (PIO)
Goa State Urban Development
Authority, Shram Shakti Bhavan,
Patto, Panaji-Goa

.....Respondents

Filed on : 07/09/2020

Decided on : 18/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 08/06/2020
PIO replied on	: 15/09/2020
First appeal filed on	: 10/07/2020
FAA order passed on	: Nil
Second appeal received on	: 07/09/2020

ORDER

1. The appellant, being aggrieved by non furnishing of information by the PIO as well as non hearing of the appeal by the First Appellate Authority (FAA), filed the second appeal before the

Commission praying for the information and appropriate action against the Respondents.

2. The brief facts of this appeal, as contended by the appellant are that vide application dated 08/06/2020 he sought some information pertaining to the new building construction project in Mapusa, from respondent No. 1 Public Information Officer (PIO). The PIO did not furnish any information and hence the appellant preferred appeal dated 10/07/2020 before respondent No. 2 First Appellate Authority (FAA). Since he received no response from the FAA within the stipulated period, the appellant filed second appeal before the Commission.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice appellant appeared in person. Shri. Vyankatesh Sawant, PIO and Shri. Vinay Agarwadekar, APIO appeared before the Commission. The FAA filed submission dated 25/09/2020. The PIO filed reply dated 25/09/2020, 24/11/2020, 2/09/2021. Appellant filed submission on 31/03/2021, 18/06/2021 and 07/09/2021.
4. The FAA stated vide his submission that he joined as FAA/Chief Officer, Mapusa Municipal Council on 02/06/2020 when Covid-19 Pandemic was at peak and no personal hearing could be held on appellant's first appeal. Also that due to Pandemic situation there was previous backlog of appeals filed under the Act. However, the FAA undertook to abide by the provision of the Act in future.
5. The PIO stated that vide letter dated 15/09/2020 he has furnished information available in his records and he transferred the application vide letter dated 15/09/2020 to the PIO, Goa State Urban Development Agency (GSUDA), Panaji Goa with a request to

furnish the remaining information to the appellant. Further the PIO, Mapusa Muncipal Council requested the Commission to implead PIO, GSUDA as respondent.

6. The appellant contended that the PIO, Mapusa Muncipal Council furnished him incomplete information and after the stipulated period of 30 days. The said information includes a set of documents from office of GSUDA, however the information is not complete.
7. It is seen from the records that Shri. Vyankatesh Sawant, PIO, Mapusa Muncipal Council, furnished part information to the appellant on 15/09/2020 and on the same day transferred the application to the PIO, GSUDA. Shri. Sawant vide reply dated 02/09/2021 requested the Commission to implead PIO, GSUDA as respondent. Similarly appellant too, vide submission dated 07/09/2021 requested the Commission to implead PIO, GSUDA as respondent.
8. As the information pertaining to building contract and relevant document of the new building construction project, sought by the appellant was with the PIO, GSUDA, and the application was already transferred by the PIO, Mapusa Municipal Council to the PIO, GSUDA, the Commission issued notice dated 06/10/2021 to the PIO, GSUDA for appearance and reply. The PIO, GSUDA was admitted as respondent No. 3 and the appellant was directed to furnish copy of appeal memo to respondent No. 3 PIO, GSUDA.
9. Pursuant to the notice, Miss Firdous Saba Bepari, Legal Assistant, GSUDA appeared on 28/10/2021 and again on 30/11/2021 to collect the copy of appeal memo. However, the appellant neither remained present, nor furnished copy of appeal memo to the PIO GSUDA. Later on 21/12/2021, Miss Firdous Saba Bepari filed a

reply alongwith enclosures, inspite of the fact that the appeal memo not served.

10. PIO, GSUDA stated in reply that his office received the application on 18/09/2020, transferred by PIO, Mapusa Muncipal Council. The PIO, GSUDA vide reply dated 05/10/2020 requested the appellant to collect the information by paying the required amount. The appellant, inspite of receiving the said letter, did not collect the information. The PIO sent another reply dated 23/11/2020 to the appellant, however the appellant did not collect the information, nor sent any communication to the PIO.
11. Miss Firdous Saba Bepari, while arguing on 18/01/2022 stated that the PIO, GSUDA is always willing to furnish the information, the information is kept ready, waiting for the appellant to come, pay and collect the same. The PIO, GSUDA received the application from PIO, Mapusa Muncipal Council on 18/09/2020 and issued first reply to the appellant on 5/10/2020, within the period of 30 days. Hence the appellant is required to pay the necessary amount and collect the information from the PIO, GSUDA.
12. The Commission, upon perusal, observes that the appellant received part information from respondent No. 1, PIO, Mapusa Muncipal Council, though late, however did not show any interest to collect the remaining information from respondent No. 3, PIO GSUDA, even when the reply was sent by PIO, GSUDA. The PIO has also produced the evidence of receipt by the Appellant. It is also noted that the appellant filed application dated 07/09/2021 requesting the Commission to implead PIO, GSUDA in this matter, however he never appeared in person, neither deputed any representative, nor submitted copy of appeal memo to the PIO, GSUDA.

13. In such a situation, the Commission concludes that the appellant is not interested in the information any more as he has not adhered to the direction of the Commission of furnishing the copy of appeal memo and also has not responded to the PIO, GSUDA, inspite of number of opportunities provided to him.
14. Hence the appeal is disposed with the following order:-
- (a) The appellant, may collect the information from respondent No. 3, PIO, GSUDA, within 15 days from the receipt of this order, after paying the required fees.
 - (b) The PIO, Mapusa Muncipal Council and the FAA, Mapusa Muncipal Council are directed to deal with RTI applications and appeals respectively in accordance with the Act.
 - (c) 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