

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 168/2021/SIC

Master Sousa Leonardo Caetano,
Sao Bras, Gaundalim, Tiswadi,
Post Office Marcela, Ilhas Goa 403107

..... Appellant

v/s

1. The State Public Information Officer,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001

2. The First Appellate Authority,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001

..... Respondents

Filed on : 30/07/2021

Decided on : 21/01/2022

Relevant dates emerging from appeal:

RTI application filed on	: 30/10/2020
PIO replied on	: 24/11/2020
First appeal filed on	: 08/04/2021
FAA order passed on	: Nil
Second appeal received on	: 30/07/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 30/10/2020 sought information from Public Information Officer (PIO), Deputy Collector North Goa, Panaji. The PIO vide reply dated 24/11/2020 furnished part information and transferred the application under section 6(3) of the Right to Information Act, 2005 (for short, the Act) to the Mamlatdar of Tiswadi. The appellant received no reply from Respondent No. 1 Public Information Officer (PIO), Office of Mamlatdar of Tiswadi and therefore filed appeal dated 08/04/2021 before Respondent No. 2

First Appellate Authority (FAA), Mamlatdar of Tiswadi. Being aggrieved with non hearing of the first appeal, the appellant preferred second appeal before the Commission, praying for the information.

2. The concerned parties were intimated and the matter was taken up on board for hearing. The appellant appeared in person, filed a written submission dated 13/10/2021 and argued on 8/11/2021, insisting on getting the information. Shri. Sanjeev Signapurkar, PIO appeared on 01/09/2021, however did not attend the proceeding later even once. Later, on 5/10/2021 FAA appeared before the Commission and undertook to file reply. However thereafter no reply was filed either by the PIO or by the FAA.
3. The appellant stated that he had filed the application dated 30/10/2020 to the Deputy Collector, North Goa. The authority furnished information on point No. 1 and 2 and transferred the application to the Office of Mamlatdar of Tiswadi for furnishing information from point No. 3 to 6 of the said application. The information pertaining to these points is available in the office of the Mamlatdar, however the same is not furnished to the appellant expeditiously.
4. It is seen from the records that the PIO and the FAA appeared only once though no reply is furnished by them. It appears that the information sought by the appellant is in public domain, neither eligible for exemption under section 8, nor rejected under section 9 of the Act. Hence non furnishing of the information by the PIO amounts to deemed refusal of the information as per section 7(2) of the Act and the appellant is justified in seeking the said information.

5. Upon perusal of the matter, the Commission finds that the office of the Mamlatdar is expected to be in possession of the information sought by the appellant. If he does not furnish the information then section 19(5) puts the onus on PIO to prove that the denial of a request was justified, which the PIO has not done.
6. In the light of above discussion, the appeal is disposed with the following order:-

The PIO is directed to furnish the information sought by the appellant under point No. 3 to 5 of the application dated 30/10/2020, within 15 days from the date of receipt of this order, free of cost.

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