

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 196/2021/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),
Mapusa Municipal Council,
Mapusa-Goa, 403507

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

..... Respondents

Filed on : 28/08/2021

Decided on: 25/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 12/04/2021
PIO replied on	: Nil
First appeal filed on	: 02/06/2021
FAA order passed on	: Nil
Second appeal received on	: 28/08/2021

ORDER

1. Aggrieved by non furnishing of the information by respondent No. 1 Public Information Officer (PIO) and non hearing of the appeal by respondent No. 2 First Appellate Authority (FAA) within the stipulated period as mandated by the Right to Information Act, 2005 (for short, the Act), the appellant has filed second appeal under section 19(3) of the Act. The Appellant prays for information, award of compensation, penal action against the PIO etc.
2. The appeal was registered on 28/08/2021 and notice was issued to the concerned parties. Pursuant to the notice, appellant appeared in person on 18/10/2021 and later chose to remain absent, nor

filed any submission. PIO appeared before the Commission and filed reply on 15/11/2021 with a copy for the appellant. However, appellant has not collected the same till date.

3. PIO stated in the reply that he had issued memorandum under section 5(4) of the Act to Shri. Jayesh Kalangutkar on 19/04/2021 asking him to submit the information within three days. The PIO further stated that the appellant had filed another application dated 15/02/2021 requesting similar information and the same was furnished vide letter dated 26/10/2021 to him. Nevertheless, the PIO now has furnished the information before the Commission on 12/11/2021 during the proceeding of this appeal, sought vide application dated 12/04/2021.
4. Upon perusal of the records of this case, it is seen that the application dated 12/04/2021 and another application dated 15/02/2021, mentioned by the PIO in his reply are pertaining to same subject. The appellant has sought similar information by way of two different applications, at two different point of time i.e after a gap of almost two months.
5. The PIO also has brought to the notice that he had under section 5(4) sought assistance of Shri. Jayesh Kalangutkar in order to furnish the information and Shri. Jayesh Kalangutkar was required under section 5(5) of the Act to provide the information to the PIO.
6. It is also noted that the appellant has stopped attending the proceeding. Opportunities were provided to the appellant to contest the claims of the PIO as well as to argue the matter. Rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006 provide that the appellant may opt not to be present. However, the appellant in the present matter is a regular appellant who has filed several appeal before this Commission and presents himself regularly for other appeals. However appellant remained

absent on consecutive four occasions. Hence the Commission concludes that the appellant is no more interested in the said information. In such a situation the current proceeding becomes infructuous and the appeal needs to be decided accordingly.

7. Thus, the appeal is disposed with the following order:-

- a) The appellant, if he so desires, may collect the information furnished by the PIO in the registry, within 10 days from the receipt of this order.
- b) The PIO and the FAA are directed to deal with the applications and appeals respectively, in accordance with provisions of 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