

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880, 2437908 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 22/2021/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 : 01/02/2021

Decided on: 25/02/2022

## **Relevant dates emerging from appeal:**

RTI application filed on	: 19/10/2020
PIO replied on	: Nil
First appeal filed on	: 20/11/2020
FAA order passed on	: 14/01/2021
Second appeal received on	: 01/02/2021

## **ORDER**

1. Aggrieved by non furnishing of the information by Respondent No. 1 Public Information Officer (PIO) inspite of directions from respondent No. 2 First Appellate Authority (FAA), the appellant filed second appeal under section 19(3) of the Right to Information Act, 2005 (for short, the Act), which came before the Commission on 01/02/2021.
2. The brief facts of the appeal are that the appellant vide application dated 19/10/2020 sought some information under section 6(1) of the Act. The PIO did not reply within the stipulated period of 30 days and thus the appellant preferred appeal dated 20/11/2020

before the FAA. The said appeal was disposed by FAA vide order dated 14/01/2021 directing the PIO to furnish the information. However, PIO did not comply with said directions, compelling the appellant to file second appeal.

3. Pursuant to the notice of the Commission, the appellant appeared in person. Shri. Vyankatesh Sawant, PIO appeared on 19/04/2021 and filed reply with enclosures on 16/09/2021, copy of which was collected by the appellant on 14/10/2021. The PIO, as undertaken, filed additional reply dated 22/11/2021 with enclosures. However, the appellant has not appeared on subsequent hearings, neither collected copy of PIO's reply, nor filed any say before the Commission.
4. The PIO stated vide reply dated 16/09/2021 that, he had issued memorandum to Shri. Ramesh Kinekar, UDC to furnish the information to the appellant, however, the information was not furnished. But later the same was furnished by Shri. Damodar Yelekar another PIO vide letter dated 11/12/2020 through Registered A. D.
5. Upon perusal of records it is seen that the PIO did not issue any reply to the appellant within the stipulated period of 30 days. However, he issued a memorandum under section 5(4) of the Act to Shri. Ramesh Kinekar, UDC, requesting him to furnish the information to the appellant. Aggrieved by no response from the PIO, the appellant filed first appeal.
6. It is interesting to note that the PIO vide his reply filed during the proceeding of second appeal has submitted that the information pertaining to the RTI application was furnished vide Registered A. D. by a letter dated 11/12/2020 and was acknowledged by the applicant on 14/12/2020, as per the details submitted on record.

The rojnama order of the FAA produced with the appeal memo, indicates that on 14/01/2021, when the matter came up for hearing, both the appellant and the PIO were present, however neither the PIO submitted that the information was furnished nor the appellant submitted that the information is received.

7. Strangely, inspite of the receipt of the information by Registered A.D., the appellant filed second appeal claiming PIO has failed to

furnish the information, and during the proceeding before the Commission, the appellant has not contested the claim of PIO that the information has been furnished. The appellant was furnished copy of PIO's reply dated 16/09/2021 and was given ample opportunity to argue the matter. However the appellant chose to remain absent during further hearings, so much so that he did not even collect additional reply dated 22/11/2021, filed by the PIO.

8. Rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006, framed by Government of Goa under powers conferred by section 27 of the Act allows appellant to opt not to be present. Even so, it is noted that the appellant who is a regular petitioner before the Commission, has attended proceeding in other appeals, however chose not to attend the present appeal, nor filed any say through representative. Hence the Commission concludes that the appellant has received the information he had sought vide application dated 19/10/2020 and thus he is no more interested in the proceeding and the matter needs to be decided accordingly.
9. Before parting, it is relevant to note the modus operandi of the appellant of filing Stereotype appeals without any sufficient grounds. The appellant had received the information during the proceeding of the first appeal itself however chose not to disclose this fact before the FAA on 14/01/2021, and later went on to file second appeal without sufficient ground. On careful perusal of the second appeal memo, it is noticed that in the 'fill in the blank' stereotype of memo, the appellant has not disclosed how the PIO has failed to comply the direction of the FAA when the information was already furnished. Further he has also failed to show how the information furnished is incomplete and incorrect. The appellant lacks the geniuness and is not serious about the rights conferred upon by the Act to the citizen and has taken the appellate authorities, especially this Commission for a ride.
10. In the light of above discussion, the Commission passes the following order:-
  - a) The appeal is disposed as dismissed.
  - b) The appellant is hereby warned to be more careful in all the appeals, being heard before this Commission as well as future appeals, and to approach the Commission without hiding any facts known to him.

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