

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 252/2021/SIC

Dr. K.K. Nadkarni,
House No. 84, Bendwada,
Sanguem-Goa 403704

.....Appellant

v/s

Public Information Officer (PIO),
Office of the Mamlatdar,
Sanguem- Goa 403704

..... Respondent

Filed on : 12/10/2021

Decided on : 06/01/2022

Relevant dates emerging from appeal:

RTI application filed on	: 07/08/2019
PIO replied on	: 23/10/2019
First appeal filed on	: 18/11/2019
FAA order passed on	: 27/07/2021
Second appeal received on	: 12/10/2021

ORDER

1. The second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act) by the appellant came before the Commission, on 12/10/2021. The appeal is filed against respondent, Public Information Officer (PIO) with prayers to provide correct and complete information, compensation to the appellant and appropriate action against the First Appellate Authority (FAA) for delaying the matter and not issuing the copy of the order to appellant.
2. Brief facts leading to this appeal are that:-

- (a) The appellant vide application dated 07/08/2019 sought information on 8 points from the PIO. He received a reply dated 23/10/2019 from Smt. Ana Rita Maria Paes, the then PIO stating the application is not in proper format as per section 3 of the Act and hence the application stands disposed. Deeming this as rejection of request the appellant filed appeal dated 18/11/2019 before the First Appellate Authority (FAA), Dy. Collector, Sanguem Goa. The said appeal was disposed vide order dated 17/01/2020. Being aggrieved, the appellant filed second appeal before the Commission on 28/04/2020.
- (b) The Commission passed an order dated 12/04/2021 remanding the matter back to the FAA with a direction to hear the appeal afresh without insisting on the period of limitation. The appellant's right to file fresh second appeal, if aggrieved by the decision of the FAA, was kept open.
- (c) The appellant approached the Commission again by way of second appeal dated 12/10/2021 with the contention that the PIO has not furnished correct and complete information and that he has not received the order passed by the FAA.
3. The concerned parties were notified and the matter was taken up for hearing. The Appellant Dr. K. K. Nadkarni appeared in person. Shri. Rajesh Sakhalkar, present PIO and Shri. Manoj Korgaonkar, former PIO also remained present. Shri. Korgaonkar filed submission dated 03/11/2021 and Shri. Sakhalkar filed memo dated 18/11/2021. PIO filed reply dated 09/12/2021 alongwith the information and the entire set of the enclosures was furnished to the appellant.

4. The present PIO stated in the reply that the information is furnished to the appellant in compliance of the order dated 27/07/2021 passed by the First Appellate Authority, Dy. Collector, Sanguem Goa. The information was handed over by the PIO to the appellant on 09/12/2021. The appellant received the information and undertook to acknowledge the receipt vide email in next 10 days.
5. Email dated 17/12/2021 sent by the appellant, taken on record on 20/12/2021 states that there are deficiencies and incorrectness in the information furnished by the PIO.
6. The Commission has perused the application, appeal memo and other submissions of the appellant as well as looked into the reply filed by the PIO. After careful perusal of the records the Commission has arrived at following findings:-
 - (a) The appellant vide point No. 1 of application dated 07/08/2019 has sought information of applicants who have been granted income certificate and the PIO has provided copies of all the applications received for income certificates. Hence, here, the PIO is required to provide details of only those applicants who are issued income certificate.
 - (b) The information sought under point No. 2 and 3 of the said application is exempted under section 8(1)(j) as claimed by the PIO. Hence the PIO is not liable to furnish the said information to the appellant.
 - (c) The PIO has stated that the information sought under point No. 4 and 5 of the said application is not available in the office of PIO and the appellant has not raised any grievance against the said reply.

- (d) Pertaining to the information on point No. 6, the PIO stated that the application is enclosed herewith as Annexure 'B'. However, no such Annexure 'B' is enclosed, as stated by the PIO. Hence the PIO is required to furnish information on point No. 6 of the said application.
- (e) The PIO has furnished the information sought on point No. 7 of the said application dated 07/08/2019. Hence the PIO is not required to furnish any more information on this point.
- (f) With respect to point No. 8, the PIO has stated that the information sought is not available in the office of PIO and the appellant has not raised any grievance against the said response.

7. The above mentioned findings vis-à-vis the application dated 07/08/2019, the PIO has furnished information on point No. 7, and the information on point No. 2 and 3 is exempted under section 8(1)(j) of the Act, information under point No. 4, 5, 8 is not available and the PIO is required to furnish correct and complete information to the appellant on point No. 1 and 6.

8. Before closing, the Commission takes a serious note of the adamant attitude shown by the FAA, Dy. Collector, Sanguem by not sharing the copy of his order dated 27/07/2021. The appellant brought to the notice of the Commission that he was informed vide email dated 14/08/2021 by the FAA that the appeal stands disposed, however the appellant did not receive the order of the FAA. The appellant sent reminder more than once to the FAA requesting to issue the order passed by him, but till the date of filing second appeal the appellant did not receive the order of the FAA. The FAA is required to hear the appeal, decide within the stipulated period and is also required to furnish a copy of his order

to the appellant enabling him to file the second appeal, if aggrieved. The appellant has prayed for action against the FAA for not issuing the order passed by him. However, this is the first instance noticed by the Commission, a lenient view is taken. However, the Commission reminds the FAA of the fact that he is required to adhere the provisions of the Act in letter and spirit.

9. In the light of above discussion, the appeal is disposed with the following order:-

- (a) The PIO is directed to furnish the information on point No. 1 and 6 sought by the appellant vide application dated 07/08/2019, within 15 days from the receipt of this order, free of cost.
- (b) All other prayers are rejected.

Hence the appeal is disposed accordingly and the 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