

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 32/2022/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, 4035072

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

..... Respondents

Filed on: 01/02/2022  
Decided on: 29/04/2022

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

RTI application filed on	: 29/09/2021
PIO replied on	: Nil
First appeal filed on	: 08/11/2021
FAA order passed on	: 22/12/2021
Second appeal received on	: 01/02/2022

## **ORDER**

1. Aggrieved by non furnishing of the information by Respondent No. 1 Public Information Officer (PIO) inspite of direction from Respondent No. 2 First Appellate Authority (FAA), appellant filed second appeal under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act').
2. Pursuant to the notice issued by the Commission, appellant appeared in person and pressed for the information. Shri. Vyankatesh Sawant, the then PIO and Shri. Prashant Narvekar, present PIO appeared on 11/04/2022. Shri. Prashant Narvekar filed a submission dated 28/04/2022.
3. It is seen from the appeal memo that the appellant vide application dated 29/09/2021 sought certain information from

the PIO. However, PIO did not furnish the information and aggrieved appellant approached the FAA by way of first appeal. FAA directed PIO to furnish the information, yet no information was furnished. Nevertheless, the then PIO and the present PIO appeared before the Commission on 11/04/2022 and undertook to honour the directions of the Commission in this matter.

4. Shri. Vyankatesh Sawant, the then PIO stated that he was transferred from Mapusa Municipal Council, hence he could not comply with the direction of the FAA. Similarly, Shri. Prashant Narvekar, the present PIO submitted that he will furnish the information. However, later, vide a submission received on 28/04/2022. Shri. Prashant Narvekar stated that the representation dated 03/06/2021 submitted by the appellant, wherein the Complaint dated 20/03/2021 is mentioned, is not found in the records of the PIO, hence the information sought cannot be furnished.
5. It is observed by the Commission from the records that the said representation dated 03/06/2021 was submitted by the appellant and the authority, i.e. Mapusa Municipal Council has received and stamped the acknowledgement on the same day, hence the said representation is required to be available in the records of the PIO, if not, the PIO needs to undertake appropriate search and furnish the information to the appellant. Similarly, the information sought is neither exempted under section 8 of the Act, nor rejected under section 9 of the Act. This being the case, PIO is required to furnish the information to the appellant, as undertaken before the FAA.
6. On this background, the appeal is disposed with the following order:-
  - a) PIO is directed to furnish the information sought by the appellant vide application dated 29/09/2021, within 30 days from the receipt of this order, free of cost.
  - b) All other prayers are rejected.
  - c) The then PIO and the present PIO are directed to be more diligent and entertain the applications received under section 6 (1) of the Act, strictly as per the provisions of law.

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