

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 36/2022/SIC

Shri Cliffton De Souza,
Zaino, Velim
Salcete-Goa 403723

..... Appellant

v/s

The Public Information Officer (PIO),
Dalgado Konkani Academy,
Old Education Department,
2nd floor, 18th June Road,
Panaji-Goa 403001

..... Respondent

Filed on: 02/02/2022

Decided on: 27/05/2022

Relevant dates emerging from appeal:

RTI application filed on	: 20/08/2021
PIO replied on	: Nil
First appeal filed on	: 14/10/2021
FAA order passed on	: 28/10/2021
Second appeal received on	: 02/02/2022

ORDER

1. Aggrieved by non furnishing of the complete information by Respondent Public Information Officer (PIO) inspite of direction from the 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. The brief facts of this appeal are that appellant vide application dated 20/08/2021 sought information on points a to h, as mentioned in the said application. Upon not getting the information within the stipulated period, he filed appeal before the FAA. FAA vide order dated 28/10/2021 directed PIO to furnish the information. Being aggrieved, on non furnishing of complete information, appellant approached the Commission by way of the second appeal.
3. Pursuant to the notice, appellant and PIO appeared in person. PIO filed reply dated 27/04/2022 alongwith the enclosures.

4. Appellant stated that the information requested by him is in public domain, available with the authority, not exempted under section 8 and/or section 9 of the Act, yet not furnished by the PIO. Appellant further stated that the PIO is evading the disclosure to hide irregularities taking place in his office and hence has malafidely not furnished the information inspite of clear direction from the FAA.
5. On the other hand, PIO stated that the information was sent to the appellant by Registered post vide letter dated 17/09/2021 and 22/09/2021. Appellant filed first appeal on 14/10/2021 even after receiving the information. Only the copy of the vouchers were not furnished as the same was voluminous. Additional information was furnished to the appellant as per the direction of the FAA. That the PIO has not denied the information and he is ready to adhere with the direction of the Commission.
6. Upon perusal of the records, it is seen that the appellant has sought information on Points a to h. Information under Point a to d is available in the office of the PIO, yet he did not furnish the same claiming the information is voluminous. Here, the Commission is of the view that whatever may be the difficulty, if the information is not exempted, then the PIO is required to furnish the same. Hence the PIO has to furnish the information on Point a to d of the said application.

It is noted that information under Point e and g was furnished to the appellant before the FAA on 28/10/2021. Further, the appellant has sought reasons under Point f and h, which PIO is not required to furnish. However it is seen from the records that the PIO has furnished the information on Point f and h.

7. PIO, after the disposal of the first appeal requested appellant to visit his office in order to identify the vouchers, stating the said information is voluminous. However, appellant refused to visit PIO's office, and pressing for the compliance of the FAA's order, filed the second appeal.
8. The Commission observes that the PIO has not yet furnished the information on Point a to d stating the same is voluminous and vide submission dated 27/04/2022 has requested for time to furnish the same. Information requested under Point a to d pertains to vouchers since August 2008 to July 2021 and the

same is indeed voluminous. However it is noted that the PIO has not denied the said information, has only sought time. Therefore, the Commission concludes that though the furnishing of the information is delayed, there is no malafide intention on the part of the PIO to delay the disclosure deliberately.

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

- a) PIO is directed to furnish the information under Point a to d, sought by the appellant vide application dated 20/08/2021, within 10 days from the receipt of this order, free of cost.
- b) PIO is directed to entertain applications received under section 6(1) of the Act, strictly in accordance with the law.
- 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