

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 58/2021/SIC**

Shri Jawaharlal T. Shetye,  
H.No. 35/A, Ward No. 11, Khorlim,  
Mapusa-Goa, 403507

..... Appellant

**v/s**

1. The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa-Goa, 403507

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

..... Respondents

Filed on : 12/03/2021

Decided on : 18/02/2022

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

RTI application filed on	: 16/11/2020
PIO replied on	: Nil
First appeal filed on	: 17/12/2020
FAA order passed on	: 28/01/2021
Second appeal received on	: 12/03/2021

## **ORDER**

1. The brief facts of this appeal as contended by the appellant are that the appellant vide application dated 16/11/2020 sought some information under section 6(1) of the Right to Information Act, 2005 (for short, the Act) from respondent No. 1 Public Information Officer (PIO). The appellant received no reply from PIO within the stipulated period and hence filed appeal dated 17/12/2020 before respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 28/01/2021 directed PIO to furnish the information within 30 days.
2. It is the contention of the appellant that the PIO failed to comply with the directions of FAA and therefore he preferred second

appeal before the Commission. The Appellant prays for information, penal action under section 20 of the Act against PIO, award of compensation etc.

3. The concerned parties were notified and pursuant to the notice, appellant appeared in person. Shri. Vyankatesh Sawant, respondent PIO appeared in person on, 8/09/2021 and filed a written submission alongwith enclosures. The appellant collected the copy of the same on 18/10/2021, however preferred to remain absent on subsequent hearings, and did not file any say, nor argued the matter.
4. The PIO stated in his submission that, after the directions of the FAA, he had informed the appellant to visit his office for inspection of documents sought by the appellant. Accordingly, appellant inspected the records on 11/11/2020 and collected the certified copies of the documents. In spite of that, the appellant filed second appeal and he has attached different RTI Application alongwith the appeal memo. Information sought by the appellant vide his application dated 16/11/2020 has been furnished to him as per the directions of the FAA.
5. Upon perusal of the records of this case, the Commission finds substance in the submission of the PIO. It is seen that the appellant had filed two applications dated 16/11/2020 seeking information on two different subjects. The application regarding information from file of construction license no. 09 dated 29/09/2020 was heard by the FAA and order was passed, directing the PIO to furnish the information within 30 days. Accordingly, the PIO has already furnished the information sought by the PIO. However, the appellant while filing the present appeal before the Commission attached the same application claiming the

information is not furnished, which is not true for the reason that the information has already been furnished and the appellant has acknowledged the same.

6. The appellant, who was present on 01/02/2022 admitted the error and stated that the same has happened by oversight and requested the Commission to dispose the matter.
7. In the light of above discussion, the appeal is disposed as dismissed. The appellant is directed to take sufficient caution while filing the appeal under section 19(3) of the Act. An error of such serious nature not only amounts to wastage of valuable time and resources of the Commission as well as of the concerned parties but also raises doubts on the genuineness and credibility of the appellant.

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