

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Shri Pradeep Mokhadkar,
H.No.34, Talpona, Poinguinim,
Canacona, Goa, 403702Appellant
V/s

1. The Public Information Officer (PIO),
V.P. Secretary, Village Panchayat Poinguinim,
Canacona-Goa 403702.
2. The First Appellate Authority (FAA),
Block Development Officer,
Canacona Taluka,
Canacona –Goa 403702Respondents

Appeal No. 56/2022/SIC alongwith

Appeal No. 58/2022/SIC and Appeal No. 60/2022/SIC

Filed on: 21/02/2022

Decided on: 24/06/2022

Relevant dates emerging from appeal:

RTI application filed on	: 31/08/2021
PIO replied on	: Nil
First appeal filed on	: 12/10/2021
FAA order passed on	: 25/11/2021
Second appeal received on	: 21/02/2022

ORDER

1. Aforementioned three appeals, filed by the appellant under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') with identical factual matrix giving rise to similar issue and common question in law, with the consent of the appellant as well as the respondents, have been combined to be heard together and are herein decided by a common order.
2. The brief facts of these appeals are that the appellant vide three applications dated 31/08/2021 had sought certain information, as mentioned in the respective application, from Respondent No. 1 Public Information Officer (PIO). Upon not receiving any reply within the stipulated period from the PIO, appellant filed appeal dated 12/10/2021 before Respondent No. 2 First Appellate Authority (FAA). The first appeal was decided by the FAA on

27/11/2021 with direction to the PIO to furnish the information. However the PIO failed to comply with direction of the FAA. Being aggrieved, appellant approached the Commission by way of second appeal against Respondent No. 1 PIO and Respondent No. 2 FAA.

3. Notice was issued to the concerned parties, pursuant to which PIO and FAA appeared in person. PIO filed reply dated 31/03/2022 and a submission dated 30/05/2022. Appellant appeared and pressed for the information.
4. PIO stated that the information sought contains in various registers and files maintained in his office and he requests the appellant to verify the records and identify the required information. PIO further stated that he assures the Commission to furnish the information identified by the appellant. PIO contended that he has not denied the information, willing to furnish the same with the help of the appellant.
5. Upon perusal of the records, it is seen that the information requested by the appellant vide three applications dated 31/08/2021 is voluminous though PIO is required to furnish the same. FAA vide order dated 25/11/2021 had directed PIO to furnish the information. However, the PIO could not comply with said order since he required appellant's help to identify the information.
6. During the hearing on 31/03/2022 the Commission directed the PIO to provide for the inspection of the relevant records. Similarly, the appellant agreed to visit PIO's office in order to identify the information.

Accordingly inspection was undertaken and the information was furnished to the appellant vide letter dated 27/05/2022, which has been acknowledged by the appellant on 28/05/2022.

7. Thus the Commission concludes that the information sought by the appellant has been furnished to him by the PIO. Though there is delay in furnishing the information, no malafide is noticed on the part of the PIO and therefore there is no need to penalise the PIO for the delay.
8. In the light of above discussion, these three appeals are disposed with the following order:-

a) Since the information sought by the appellant vide applications dated 31/08/2021 has been furnished by the PIO, prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.

b) Prayer B is 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