

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. 68/2021/SIC

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

..... Appellant

v/s

1. The Public Information Officer (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: 22/03/2021

Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 19/10/2020
PIO replied on	: 17/11/2020
First appeal filed on	: 24/11/2020
FAA order passed on	: 28/01/2021
Second appeal received on	: 22/03/2021

ORDER

1. Aggrieved by non furnishing of the information by Respondent No. 1 Public Information Officer (PIO) in spite of direction from Respondent No. 2 First Appellate Authority (FAA), appellant filed this appeal before the Commission 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 19/10/2020 sought certain information from the PIO. Aggrieved with the reply of PIO, appellant preferred appeal dated 24/11/2020 before the FAA, which was disposed on 28/01/2021 with direction to PIO to furnish the information within 30 days.

However, PIO failed to comply the said direction, hence appellant approached the Commission.

3. Pursuant to the notice issued by the Commission, PIO appeared in person and filed reply dated 08/09/2021 and a submission on 22/02/2022 and later filed another submission alongwith enclosures of the information, sought by the appellant. Appellant chose not to attend initially, later appeared, however filed no say and did not counter the reply of the PIO.
4. PIO stated vide his reply that he has furnished the available information vide letter dated 17/11/2020. Appellant was not satisfied, hence he filed appeal and the FAA directed PIO to furnish the desired information to the appellant. Subsequently during the proceeding of the second appeal, as per the direction of the Commission, PIO has furnished the information.
5. Upon perusal of the records, the Commission observes that the information furnished by the PIO within the stipulated period was incomplete, therefore appellant was aggrieved and he approached the FAA. PIO failed to furnish the remaining information even after direction from the FAA. However, the PIO appeared before the Commission regularly and followed the direction of the Commission, as a result, furnished the information sought by the appellant.
6. On the contrary, the appellant, who filed this appeal seeking the information, has shown least interest in getting the information and also in attending the proceeding. Rules framed under the Act allows the appellant to opt not to attend the hearing. However, the Commission is surprised to note that the appellant remained absent for most of the proceeding of this matter, was found attending proceeding of other appeals before the Commission during the same period. Several opportunities were given to him to argue or counter the submission of PIO regarding furnishing of the information. So much so that the appellant has not even turned up to collect the information furnished by the PIO on 22/02/2022 before the Commission.
7. However, with respect to the aim and spirit of the Act, the Commission is of the opinion that the appellant should be given sufficient time to collect the information. On this background the present appeal is disposed with the following order:-

- a) Since the PIO has furnished the information sought by the appellant vide application dated 19/10/2020, the prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.
- b) Appellant, if desires, may collect the information from the Registry, within 10 days from the receipt of the order.
- c) All other prayers 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