

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website: www.gsic.goa.gov.in

Complaint No. 03/2022/SCIC

Mr. Jagannath Kundaikar,
H. No. 67/1, Chinchwada,
Chimbel, Tiswadi-Goa 403006.

.... Complainant

v/s

The Public Information Officer,
The Secretary,
Village Panchayat Chimbel-Goa 403006.

..... Opponent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-10/01/2022

Decided on: 24/05/2022

ORDER

1. The Complainant, Shri. Jaganath Kundaikar r/o. H.No. 67/1, Chinchwada, Chimbel, Tiswadi-Goa by application dated 30/07/2021 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of Village Panchayat Chimbel, Tiswadi-Goa.
2. The said application was responded by the PIO on 26/08/2021, informing the Complainant to pay the requisite fee of Rs. 46/- and collect the information.
3. Dissatisfied with the reply of the PIO, the Complainant filed first appeal before the Block Development Officer North, Tiswadi, Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA, by its order observed that the PIO has furnished the information during the course of hearing on 11/10/2021, and the Complainant is satisfied with the information furnished by the PIO and accordingly he disposed off the first appeal on 11/10/2021.
5. According to the Complainant, information provided by the PIO was incomplete, false and unwanted and therefore landed before the

Commission with this complaint under section 18 of the Act, with the prayer to impose penalty and to recommend disciplinary action on PIO.

6. Notice was issued to the parties, PIO Shri. Rajendra Gawas appeared and filed his reply on 31/03/2022. The notice issued to the Appellant returned back from the postal authorities with the endorsement "Unclaimed".
7. Since none of the parties in the proceeding have appeared for subsequent hearings before the Commission, I dispose this complaint on the basis of available records.
8. The PIO through his reply contended that, vide letter no. VP/CHIM/2021-22/RTI-27/944 dated 26/08/2021 he informed the Complainant to collect the information and to substantiate his claim he produced on record copy of letter dated 26/08/2022.

Further according to him he has already furnished the desired information to the Appellant and obtained the endorsement of the Complainant on 11/10/2021.

9. From the record it is manifest that, FAA has passed the speaking order on 11/10/2021 which reads as under:

"Matter called out Appellant present in person. Respondent present and furnished information 1) VP/CHIM/2021-22/RTI-27/949 dated 28/08/2021. 2) VP/CHIM/2021-22/944 dated 26/08/2022. Appellant paid Rs. 080=00 (Eighty only) and collected the information. However the appellant desirous to seek reason for not furnishing the information even after he was called at V.P office and thereafter he was refused by the V.P. staff. The Respondent PIO stated that he was on leave and APIO was also was on leave. The Appellant is satisfied with the information provided hence nothing survived in the matter the proceeding closed."

10. The above order of the FAA has not been disputed by the Complainant and taking into consideration the speaking order of the FAA, in my opinion, there is no merit in the issue raised by the Complainant.
11. It is the contention of the Complainant that the information provided by the PIO is incomplete, false and unwanted, however the Complainant has not clarified as to what would constitute the complete and correct information, record shows that Complainant received the information without any protest on 11/10/2021.
12. The Complainant has also failed to pursue the matter and failed to appear for the hearings before the Commission on 18/02/2022, 31/03/2022, 19/04/2022, 13/05/2022 and 24/05/2022, and rebutted the contention of the Appellant.
13. In view of above, the Complainant failed to prove malafide intention of the PIO beyond reasonable doubt, therefore the complaint is dismissed.
 - Proceeding closed.
 - Pronounced in open court.
 - Notify the parties.

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner