

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 06/2020

Shri Stanley Rocque,
S-4, Esteves Apartments,
Merces, Tiswadi-Goa

..... Complainant

v/s

1. The Public Information Officer (PIO),
Accounts Taxation Officer,
City Corporation of Panaji,
Panaji-Goa

2. The First Appellate Authority (FAA),
City Corporation of Panaji,
Panaji-Goa.

..... Opponents

Filed on : 03/02/2020

Decided on : 25/03/2022

Relevant dates emerging from appeal:

RTI application filed on	: 18/12/2019
PIO replied on	: 06/01/2020
First appeal filed on	: 27/12/2019
First Appellate Authority Order passed on	: Nil
Complaint received on	: 03/02/2020

ORDER

1. The Complaint filed under section 18 of the Right to Information Act, 2005 (for short, the Act) by the complainant against Opponent No. 1 Public Information Officer (PIO) and Opponent No. 2 First Appellate Authority (FAA) came before the Commission on 03/02/2020. The Complainant prayed for an appropriate order and penalty under section 20 of the Act to be imposed on PIO

2. The brief facts of this matter are that the complainant vide application dated 18/12/2019 sought certain information from the PIO. Without waiting till the end of the stipulated period of 30 days complainant filed appeal dated 27/12/2019 before the FAA. The complainant was served notice by the FAA for hearing on 06/01/2020, however no hearing was held on the said day. Aggrieved with non furnishing of the information and non hearing of the appeal, complainant filed this complaint before the Commission.
3. The concerned parties were notified and pursuant to the notice complainant and PIO appeared in person, where as FAA was represented by authorised representative under authority letter. Complainant filed submissions dated 07/04/2021 and 19/07/2021. PIO filed reply alongwith enclosures on 14/12/2021, copy of the same was collected by the complainant on the same day.
4. Complainant stated that he had requested PIO to furnish the information within 48 hours since the matter was concerning the liberty of the appellant. However, PIO did not respond and hence he filed appeal before FAA. He received letter dated 06/01/2020 from Shri. John Vera Cruz, Accounts/Taxation Officer of the authority stating the application will be replied once PIO is designated. Complainant further stated that he is aggrieved due to the fact that no officer is designated as PIO, which is in violation of section 5(1) and 5(2) of the Act and also non hearing of the appeal by FAA is against the spirit of the Act.
5. PIO stated that the information sought was not clear, hence the same could not be furnished. Later vide reply dated 14/12/2021 PIO stated that documents sought by the complainant are furnished and prayed for closure of the proceeding.

6. Upon perusal of the records of this complaint, it is seen that the complainant had sought information within 48 hours, however did not receive any reply within that timeframe, and filed first appeal on 27/12/2019. As per the provision of section 19(6), the FAA is required to decide the matter within maximum of 45 days. However, the complainant without waiting for the completion of mandatory period of 45 days approached the Commission for relief, when the first appeal was still pending before the FAA.

7. By looking at the nature of information sought, it appears that the information is general in nature and there is nothing concerning the life or liberty of a person. Thus the complainant could have waited for the expiry of 30 days and only then approach the FAA under section 19(1) of the Act. The complainant was so much in hurry that he did not even wait for the completion of mandatory period of 45 days, provided under section 19(6) to the FAA to decide the appeal, and preferred this complaint against both the respondents.

8. It is also noted that the complainant appeared regularly before the Commission till 14/12/2021 and stopped attending the proceeding upon receiving the information on that day. Though he prayed for penalty initially, subsequently however he did not press for the same. Even otherwise, the present proceeding being a complaint, the Commission has no jurisdiction to direct PIO to furnish information under section 18 of the Act. Nevertheless, PIO has furnished the information and complainant has collected the same and subsequently has not pressed for any other prayer. Considering these facts, the complaint is required to be disposed accordingly.

9. The complaint is disposed as dismissed and the 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