

# GOA STATE INFORMATION COMMISSION

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

## **Complainant No. 09/2021/SIC**

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

..... Complainant

**v/s**

1. The Public Information Officer (PIO),  
Mapusa Municipal Council,  
Mapusa-Goa.

2. The First Appellate Authority (FAA),  
The Chief Officer,  
Mapusa Municipal Council,  
Mapusa-Goa.

..... Opponent

Filed on : 27/04/2021

Decided on : 25/02/2022

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

RTI application filed on	: 05/11/2020
PIO replied on	: NIL
First appeal filed on	: 17/12/2020
First Appellate Authority Order passed on	: 28/01/2021
Complaint received on	: 27/04/2021

## **ORDER**

1. The Complaint filed under section 18 of the Right to Information Act, 2005 (for short, the Act) by the complainant Shri. Jawaharlal T. Shetye against Opponent No. 1 Public Information Officer (PIO) and Opponent No. 2 First Appellate Authority (FAA) came before the Commission on 27/04/2021. The complainant prayed for information, penalty under section 20(1) and 20 (2) against the PIO and award of compensation.

2. The brief facts of the said complaint are that the complainant vide application dated 05/11/2020 sought under section 2(j)(i) of the Act, inspection pertaining to the records of project of Commissioning of Garbage Treatment Plant at Cuchelim Bardez Goa. The PIO did not respond within the stipulated period and hence the appellant filed appeal dated 17/12/2020 before the FAA, which was disposed vide order dated 28/01/2021 with directions to PIO to furnish the information. However, the PIO did not comply with the directions and being aggrieved, Complainant filed complaint before the Commission.
3. Notice was issued to both the sides, pursuant to which complainant appeared in person. The PIO also appeared and filed reply dated 11/11/2021 along with enclosures, with a copy for the complainant. However the complainant stopped attending the hearing since then and did not even collect copy of reply filed by PIO, nor registered any say in the present matter.
4. The PIO stated that he could not furnish the information within the stipulated period as he was on sick leave. Later, pursuant to FAA's order, he made all reasonable efforts to furnish the information by issuing memos to the concerned deemed PIOs/APIOs. In addition to this, the PIO stated that on 17/08/2021 he provided inspection of the records sought by the complainant, and complainant has completed the inspection to his satisfaction on that day.
5. The PIO brought to the notice of the Commission that the complainant had filed second appeal under section 19(3) of the Act before this Commission in respect of application dated 05/11/2020 and that the Commission disposed the said appeal vide order dated 17/09/2021. Further, PIO also stated that the

complainant is a chronic litigant and he is in habit of filing several RTI applications before the PIO, Mapusa Municipal Council and appeals before the appellate authority and the Commission. There is no malafide intention of the PIO to deny the information, on the contrary the complainant is attempting to harass the public authority by filing application, appeals and complaints of similar nature.

6. PIO while requesting the Commission to take note of the said harassment, has relied on Hon'ble Supreme Court in Civil Appeal No. 6454 of 2011 in Central Board of Secondary Education and Others V/s Aditya Bandopadhyay and Others.

7. The Hon'ble Supreme Court, in above-mentioned matter has held in para 37:-

*Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does*

*not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

8. The Commission has noted the contention of the PIO with all seriousness and have perused the records of Appeal No. 102/2021/SIC, disposed vide order dated 17/09/2021 and the present complaint. The said appeal and the complaint are pertaining to subject matter of the same application dated 05/11/2020 and the appeal as well as complaint are filed on the same day before the Commission, by the complainant. It is also observed that the complainant stopped attending the proceeding of the present complaint after undertaking inspection of the records, which was provided by the PIO.
9. On the background of facts mentioned above, and the fact that the PIO has reasonably justified the delay in furnishing information, the complainant does not deserve any relief and the complaint needs to be disposed accordingly.
10. Hence the complainant 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