

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 08/2022/SIC

Shri Ramesh S. Kerkar,
R/o. H.No. 3/15, Muddawadi,
Saligao, Bardez-Goa 403511.

-----Complainant

v/s

Ms. Pravisha Bhonsle,
Public Information Officer,
V.P. Secretary,
Village Panchayat Saligao,
Bardez-Goa 403511.

-----Opponent

Relevant dates emerging from the proceeding:

RTI application filed on	: 15/03/2021
PIO replied on	: 20/07/2021
First appeal filed on	: 22/09/2021
First Appellate authority order passed on	: 25/01/2022
Complaint received on	: 24/02/2022
Decided on	: 12/09/2022

ORDER

1. The Commission received the present complaint filed under Section 18 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Smt. Pravisha Bhonsle, Public Information Officer (PIO), Secretary, Village Panchayat Saligao, Bardez-Goa. The complainant prayed for penal action and direction to the PIO to furnish the information.
2. The brief facts of this complaint are that, the complainant vide application dated 15/03/2021 had sought certain information from the PIO. Aggrieved by the reply of the PIO, he filed appeal dated 22/09/2021 before the First Appellate Authority (FAA), Block Development Officer, Mapusa, Bardez-Goa. FAA vide order dated 25/01/2022 directed the PIO to furnish complete information within 15 days. However, complainant contends that, the said order was not complied by the PIO, hence he has approached the Commission by way of the present complaint.
3. Pursuant to the notice, complainant appeared in person. Smt. Pravisha Bhonsle, PIO was initially represented by Eric Madeira, under authority letter. Later PIO appeared in person alongwith Advocate Vivek Rodrigues and on 20/07/2022 filed reply alongwith enclosures of information.

4. Complainant stated that, the PIO has failed to discharge her duties by not complying with the provisions of the Act. Complainant further stated that, the PIO has deliberately avoided furnishing of the information and has tried to mislead the appellate authority.
5. PIO stated that, she had furnished the available information vide reply dated 20/07/2021 and now she has furnished the remaining information as available. PIO further stated that, she took charge of the post of Secretary/ PIO of Village Panchayat Saligao on 13/05/2021, after the receipt of the application and submitted the reply, therefore though the reply is sent after the stipulated period, there is no deliberate delay from her side.
6. Upon perusal, it is noted that the PIO had furnished part information initially, after she took charge as PIO. However, the complainant was aggrieved since the information was furnished after the expiry of stipulated period and his contention was that incorrect and misleading information has been furnished.
7. Being aggrieved by non furnishing of complete information and non compliance of the order of FAA, the complainant has filed the present complaint, praying for information and penal action against the PIO. The Commission observes that the present proceeding being a complaint, the Commission has no jurisdiction to direct PIO furnishing of information under Section 18 of the Act, which is also the ratio laid down by Hon'ble Supreme Court in Civil Appeal nos. 10787-10788 of 2011 (Chief Information Commissioner and Another v/s. State of Manipur and Another).
8. Nevertheless, during the hearing on 20/07/2022 PIO has furnished the information and the complainant acknowledged the same by stating that, he does not press for the penal action against the PIO.
9. In the circumstance mentioned above, the Commission holds that, there is no need to initiate penalty proceeding against the PIO and complaint is required to be disposed.
10. Thus, the present complaint is disposed accordingly 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