

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
Tel: 0832 2437908, 2437880 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 88/2021/SIC

Sushant P. Nagvenkar,
H. No. C-312, Fondvem,
Ribandar, Goa -403006

..... Appellant

v/s

1. Nathine Araujo,
Dy. Director & Public Information
Officer, Directorate of Vigilance,
Altinho, Panaji-Goa
2. Sanjeev C. Gauns Dessai,
Director and First Appellate
Authority, Directorate of Vigilance,
Altinho, Panaji-Goa

..... Respondents

Filed on : 05/04/2021

Decided on : 21/12/2021

Relevant dates emerging from appeal:

RTI application filed on	: 08/10/2020
PIO replied on	: 05/11/2020
First appeal filed on	: 11/11/2020
First Appellate Authority Order passed on	: 11/12/2020
Second appeal received on	: 05/04/2021

ORDER

1. The brief facts of this appeal filed by the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the Act) are that the appellant vide application dated 08/10/2020 sought certain information from Respondent No. 1 Public Information Officer (PIO). The PIO furnished part, information and denied the remaining information under section 8(1)(h). Being aggrieved, the Appellant filed appeal dated 11/11/2020 before Respondent No. 2 First Appellate

Authority (FAA). The FAA vide order dated 11/12/2020 dismissed the appeal. Aggrieved by the decision of the PIO and the order of the FAA, the appellant filed second appeal dated 05/04/2021, with prayers to set aside the order of PIO and FAA, initiate penalty proceeding against the PIO and direct the PIO to furnish the complete information.

2. The appeal was registered and upon notifying the concerned parties appellant and PIO appeared before the Commission. PIO filed reply dated 02/07/2021 whereas appellant submitted point wise counter reply on 11/08/2021.
3. The PIO stated that part information has been furnished to the appellant and the remaining information was denied under section 8(1)(h) as per the reply received from the Commissioner of Excise stating the same is under examination/inquiry. That the PIO has replied within the stipulated period of 30 days. Whereas, the appellant stated in the counter reply that the information furnished is incomplete and incorrect and alleged that the PIO has malafide intentions behind rejecting the information.
4. Arguments of both the sides were heard on 15/09/2021. The Appellant pressed for the inspection of the file and argued that the information is available in the office of PIO and hence the same has to be furnished to him. Furnishing of information is a must under the provisions of the Act and not as per the whims of the respondent PIO. The PIO has not stated how the disclosure of the information is going to impede the inquiry and hence the information is not exempted under section 8(1)(h).

5. The PIO stated during the arguments that the appellant initially had not sought inspection of the said file and also that the said matter was under investigation/inquiry and hence the information was not disclosed. However, now the said file can be made available for the inspection if the Commission issues direction to that effect.
6. The Commission, after perusing all the submission and considering the arguments, on 15/09/2021 directed the PIO to produce the said file before the Commission and allow the appellant to inspect the same. Accordingly the PIO produced the file during the hearing on 28/09/2021 and the appellant undertook the inspection of the same. The PIO was directed by the Commission to furnish the documents identified by the appellant.
7. The appellant, vide submission dated 08/11/2021 stated that the PIO has provided the copies of the documents to the appellant, as identified and sought by him.
8. The PIO, vide submission dated 19/11/2021 stated that as per the directions of the Commission the appellant was allowed the inspections of the relevant records. Accordingly, the appellant has inspected the relevant files and sought the documents therefrom, and the same have been issued to him.
9. The appellant has received the information he had sought vide application dated 08/10/2020 to his satisfaction. The Commission has noted that the PIO, though initially denied the information under section 8(1)(h) of the Act, later facilitated the inspection and furnished the information as per the directions of the Commission. Hence the Commission would

like to take a lenient view regarding appellant's prayer to impose penalty on the PIO. Before closing, the Commission takes note of the fact that the FAA, who is Respondent No. 2 in the present case neither appeared, nor filed any reply before the Commission. Senior officers with the responsibility of being the Appellate Authority are expected to be more responsive during the proceeding before the Commission.

10. In the light of the above discussion the Commission observes that information sought by the appellant has been furnished to him by the PIO. Therefore the prayer for information becomes infructuous. Hence the appeal is disposed accordingly and the proceeding stand closed.

11. 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