

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 09/2022/SCIC

Shri. Mahesh Kamat,
"Blossom" 101, Seasons Coop. Housing Society,
Murida, Fatorda-Goa 403602.Appellant

V/S

1. Shri. Sanjay Ghatе,
The Public Information Officer,
Kadamba Transport Corporation Ltd,
Paraiso de Goa, Alto,
Porvorim-Goa.Respondent

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 03/01/2022
Decided on: 27/03/2023

FACTS IN BRIEF

1. The Appellant, Shri. Mahesh Kamat r/o. "Blossom" 101, Seasons Co-operative Housing Society, Murida, Fatorda, Goa vide his application dated 17/08/2021 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), of Kadamba Transport Corporation Limited, Paraiso de Goa, Alto, Porvorim Goa.
2. The said application was responded by the PIO on 08/09/2021 in the following manner:-

"With reference to your application dated:- 17/08/2021, It is noticed that since 2016 you have filed 25 applications and 35 applications in third party name, there by wasting time of PIO.

All the information is given to you earlier. If required you may refer 'ktclgoa.com' website and get all information required by you.

No application will be entertained by Public Information Officer (PIO) in future being repetitive application."

3. Not satisfied with the reply of the PIO, the Appellant filed first appeal before the Managing Director, Kadamba Transport Corporation Limited, Paraiso de Goa, Alto Porvorim-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order dismissed the first appeal on 10/12/2021.
5. Being aggrieved and dissatisfied with the order of the FAA dated 10/12/2021, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to furnish the information.
6. Notices were issued to the parties, pursuant to which, representative of the Appellant, Shri. Ramesh Kamat appeared alongwith letter of authority, representative of the PIO Shri. Sudhakar Gaude appeared and placed on record written statement of the PIO dated 17/02/2022.
7. I have perused the pleadings, reply, and considered the written arguments.
8. According to the PIO, purported information has been supplied to the Appellant on his earlier application. It is also a consistent stand of the PIO that available information has been uploaded on KTCL website with pages numbered serially and no information is available with the KTCL other than which is available on website.

The PIO further submitted that, the Appellant has so far filed about 60 applications and first appeals before the FAA and also various appeals before the Commission. His applications and appeals are repetitive in nature and pertain to same subject matter. Further, according to him, he is filing such multiple applications only with the intention to harass the ex-employer.

He also argued that, the issue raised by the Appellant has been deliberated, discussed and decided by the Commission in its

various earlier judgements. Therefore, the present appeal is coming within the perview of Principle of Res-judicata and prayed that appeal be dismissed.

9. The Commission fairly agrees with the view expressed by the PIO, that the issue raised by the Appellant has been deliberated, discussed and decided by this Commission in its various earlier judgements and therefore does not require to be discussed again. The High Court of Punjab and Haryana in Chandigarh in the case **Karamjit Singh v/s State Information Commission (CWP No. 5456/2011)** held that, once the information is supplied to the Appellant the public authority is not bound to disseminate same information in another RTI application.
10. At this stage, it would be appropriate to cite the observation of Chief Information Commission in the case **Maniram Sharma v/s Central Public Information Officer (CIC/SM/2013/000455)** which reads as under:-

"34. The Commission further observed that the complainant has been repeatedly seeking the information on same issues with slightly altered words with different Public Authorities which have already been replied so many times in the past and the same has also been decided by the Commission in its various orders. This has resulted in wastage of time and resources of the Commission and the Public Authority. It needs to be ensured that the complainant invariably submits complete and signed documents, including his identity proof, before his case is registered.

35. The Commission further observed that the complainant is defeating the purpose of the Act by suppressing the fact of the earlier applications filed by

him and it is also the abuse of process of law in seeking the same information.

38.....Though Right to Information Act, 2005 does not have any specific provision to bar the repetition for information, the universal principle of civil justice 'res judicata' will certainly apply and the repeated requests on the same subject have to be rejected.

39. The Commission further observed that it is implied from the various provisions of the RTI Act, that any citizen has right to an information only once and not a right to seek and receive the same information repeatedly."

11. Similarly, Division Bench of High Court of Delhi in the case **N.D. Qureshi v/s Union of India & Anrs. (2008 (13) DRJ 547)** has observed as under:-

"12. Moreover, from the above narrated facts, it would be apparent that the petitioner has been re-litigating for a considerable number of years. In our view on the principle of res judicata and re-litigation the petitioner is even barred from raising new pleas for the same old relief. The Hon'ble Supreme Court in K. K. Modi Vs. K. N. Modi and others, reported in (1998) 3 SCC 573 has held that it is an abuse of the process of the court and contrary to justice and public policy for a party to re-litigate the same issue which has already been tried and decided earlier against him. This re-agitation may or may not be barred as res judicata. But if the same issue is sought to be re-agitated, it also amounts to an abuse of the process of the court. The Hon'ble Supreme Court has further held that if a spurious claim is made

in a case, it may also amount to an abuse of process of the court. In our view, frivolous or vexatious proceedings amount to an abuse of the process of the court”

12. In the present case, after filing the appeal, the Appellant appeared once on 30/03/2022 but non appeared for subsequent hearings viz. 21/04/2022, 07/06/2022, 29/07/2022, 13/09/2022, 13/10/2022, 24/11/2022, 27/12/2022, 21/02/2023 and 27/03/2023 thus putting the entire machinery in motion only to settle personal score. The present appeal is inappropriate use of the provisions of the RTI Act.

13. In view of above, I find no substance in the appeal and consequently the appeal is dismissed.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner