

GOA STATE INFORMATION COMMISSION

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Appeal No. 293/2022/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim-Mapusa, Goa 403507.

.....Appellant

V/S

1. The Public Information Officer,
Sub-Divisional Police Officer,
Mapusa Police Station,
Mapusa-Goa 403507.

2. The First Appellate Authority,
Superintendent of Police (North),
North District Headquarters,
Porvorim-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 21/11/2022

Decided on: 17/10/2023

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward No. 11, Khorlim-Mapusa, Goa by his application dated 11/08/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office of the Sub-Divisional Police Officer, Mapusa-Goa.
2. The said application was responded by the PIO on 07/09/2022 in the following manner:-

<i>Sr.No.</i>	<i>Questions</i>	<i>Reply</i>
<i>A.</i>	<i>Enclosing herewith the photo copy of the complaint dated 27/08/2021 inwards in your office on 27/08/2021 with inwards No. 9243 lodged by one Mr. Cyrano Simoes r/o. Chennai against Mr. Umesh Naik and four others for collusively committing cheating, fraud, threatening, intimidation and misuse of power for your ready perusal and kindly furnish me the following information as under:-</i>	
<i>1.</i>	<i>Furnish certified copy of the action taken report from your</i>	<i>As per PI Mapusa, information called for</i>

	<i>end if any on the above cited police complaint dated 27/08/2021 which is self explanatory.</i>	<i>could not be provided u/sec 8(1)(j) of RTI Act 2005, being the third party information as Mr. Cyriano Simoes has objected for the same being personal information. Copy of the objection letter is enclosed.</i>
2.	<i>Furnish certified copy of all the call letters/ summons issued to the accused persons Mr. Umesh Naik and others by the Investigating Officer entrusted the duty of processing above cited complaint dated 27/08/2021.</i>	<i>As per the reply give at point No. 1 above.</i>
3	<i>Furnish the present upto date progress report as well as the present upto date status report with regards to the above cited police complaint dated 27/08/2021 which is self explanatory.</i>	<i>As per the reply give at point No. 1 above.</i>
4	<i>Furnish the names and designation of your investigating officer entrusted the duty of processing the above cited police complaint dated 27/08/2021 which is self explanatory.</i>	<i>PSI Ashish Porob.</i>
B.	<i>Enclosed herewith the photocopy of NC No. 611/2022 u/s 504, 323 IPC dated 10/08/2022 registered against Mr. Godfrey D'Mello for your ready perusal and kindly furnish to me the following information as under:-</i>	
1.	<i>Furnish certified copy of the statement records at Mapusa Police Station of Mr. Godfrey D'mello after he was produced before the PI of Mapusa Police Station</i>	<i>As per PI Mapusa, required information is Nil.</i>
2	<i>Furnish the name of your Beat Police personnel looking after the affairs pertaining to Mapusa Muniapl Market area and what action the said beat police had taken regarding the above</i>	<i>List enclosed. As per PI Mapusa, with regards to the incident of 10/08/2022, the beat police contacted parking Contractor Mr. Godfrey</i>

	<i>incident date 10/08/2022 of collection of parking contractor Mr. Godfrey D'mello on his mobile phone number as stated by Mr. Godfrey D'mello to the PI Mapusa Police Station during the course of inquiry.</i>	<i>D'mello on phone to appear at Mapusa PS and he appeared at Mapusa PS and he was produced before PI Mapusa PS and warned not to interfere with the complainant henceforth.</i>
<i>3</i>	<i>Furnish the certified copy of the pay parking agreement executed between the Chief Officer of Mapusa Municipal Council and the parking Contractor, Mr. Godfrey D'Mello which is submitted to Mapusa Police Station by Mr. Godfrey D'mello specifying the exact pay parking areas notified in the above said agreement.</i>	<i>As per PI Mapusa, required information is Nil.</i>
<i>C.</i>	<i>Enclosed herewith the photocopy of the representation dated 20/05/2022 made from the office bearers of tenants Association of Camarkhajanacho bandh to the Hon'ble MLA of Aldona Constituency to the Director General of Police, Panaji-Goa and also to the Police Inspector, Mapusa Police Station inwards in your office on 06/06/2022 for your ready perusal, which is self explanatory and kindly furnish to me the following information as under:-</i>	
<i>1</i>	<i>Furnish the certified copy of the action taken report if any from your end in respect of the above cited representation dated 20/05/2022 inwards in your office on 06/06/2022 which is self explanatory.</i>	<i>Copy of Enquiry Report is enclosed.</i>
<i>2</i>	<i>Furnish certified copies of all the Notings sheets as well as the certified copies of all the correspondence letters generated from your office records in processing the above cited representation received by your office on 06/06/2022 which is self explanatory.</i>	<i>Copy of representation dt. 20/05/2022 with Notings is enclosed. As per PI Mapusa other information is Nil.</i>
<i>3</i>	<i>Furnish the present upto date progress report as well as the present upto date status report with regards to the above cited representation dated 20/05/2022 inwards in your office on 06/06/2022 which is self explanatory.</i>	<i>As per the reply given at point No. 1. above.</i>

4	<i>Furnish the names and designation of your police personnel entrusted the duties of conducting preliminary inquiry into above cited representation dated 20/05/2022 inwards in your office on 06/06/2022 which is self explanatory and presently with whom it is lying pending for further course of action under the provision of law.</i>	<i>LPSI Vibha Volvoikar Other information is as per the reply given at point No. 1 above.</i>
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3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Police (North), Porvorim-Goa, being the First Appellate Authority (FAA).
4. The FAA vide its order partly allowed the first appeal on 21/10/2022 and directed the PIO to transfer the RTI application dated 11/08/2022 to the PIO of the Mapusa Municipal Council, Mapusa-Goa under Section 6(3) of the Act, to address the query raised at point No. B(3) of the RTI application.
5. Aggrieved and dissatisfied with the order of the FAA dated 21/10/2022, 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 and to impose penalty against the PIO.
6. Notices were issued to the parties, pursuant to which, the Appellant appeared in person on 09/01/2023, representative of the PIO, Shri. Ashish Parab, PSI attached to the Mapusa Police Station appeared and placed on record the reply of the PIO. The FAA duly served chose not to appear in the matter.
7. The grievance of the Appellant is that, his RTI application has been rejected under Section 8(1)(j) of the Act, which is erroneous and he is entitled for the outcome of the complaint filed by one Mr. Cyrano Simoes before the Mapusa Police Station on 27/08/2021.

8. On the other hand, the PIO through his reply dated 07/01/2023 contended that, he has provided information at point No. B1 to B3 and C1 to C4 and information at point No. A1 to A4 is a third party information and notice under Section 11 of the Act has been issued to Mr. Cyriano Simoes to obtain his say in the matter.
9. In the course of arguments on 01/08/2023, the representative of the PIO, Shri. Viraj Korgaonkar appeared and submitted that, the Mapusa Police has completed its enquiry and it has come to the conclusion that no cognizable offence is made out by the complainant as the dispute is found to be purely civil in nature. The Commission therefore directed the PIO to furnish the copy of the Enquiry Report on next date of hearing and matter was posted for compliance.
10. In the course of hearing on 05/09/2023, the representative of the PIO, Ms. Reecha Bhonsle appeared and furnished the copy of the Enquiry Report dated 10/06/2023 on complaint dated 27/08/2021 filed by one Mr. Cyriano Simoes.
11. Records reveal that, the Appellant with due acknowledgment has received the information from the office of the PIO.
12. In the backdrop of the above facts, I find that there is no denial of information by the PIO. The delay caused in furnishing the information was not deliberate and same is reasonably explained by the PIO.
13. In the light of above facts and circumstances, the appeal is disposed off, Proceeding closed.
 - Pronounced in the open court.
 - Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner