

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

Appeal No. 22/2023/SIC

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

-----Appellant

v/s

1. The Public Information Officer,
Rajendra Bagkar (Head Clerk),
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
Shri. Amitesh Shirvoikar (Chief Officer),
Mapusa Municipal Council,
Mapusa-Goa 403507.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 02/11/2022
PIO replied on	: Nil
First appeal filed on	: 06/12/2022
First Appellate Authority order passed on	: 22/12/2022
Second appeal received on	: 12/01/2023
Decided on	: 31/07/2023

ORDER

1. Appellant aggrieved by non compliance of the order of First Appellate Authority (FAA), under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 12/01/2023.
2. It is the contention of the appellant that he received no reply to his application from PIO, within the stipulated period, thus, filed first appeal before the FAA. FAA while disposing the appeal directed PIO to furnish the information within 15 days. Appellant further contends that no action was taken by the PIO to comply with the said order. Being aggrieved, he has filed second appeal before the Commission.
3. Pursuant to the notice, Shri. Rajendra Bagkar, PIO appeared and filed reply dated 06/06/2023 alongwith enclosures of the information. Appellant initially opted not to remain present for the proceeding, however, appeared in person on 31/07/2023 and filed a submission.

4. PIO stated that, he apologizes for the delay in furnishing the information, and that, vide letter dated 03/04/2023 he has furnished the information to the appellant via Registered AD Post. PIO further requested for disposal of the matter.
5. Upon perusal it is seen that, the appellant was basically aggrieved by no action from PIO's side within the stipulated period as well as after the order of the FAA. Information sought by the appellant is in public domain and the PIO was required to furnish the same. By not providing the information, PIO has violated provision of Section 7 (1) of the Act. However, it is noted that during the present proceeding PIO appeared before the Commission and apologized for the delay and undertook to furnish the information to the appellant.
6. During the proceeding on 06/06/2023, PIO filed reply stating that, vide letter dated 03/04/2023 he has dispatched the information by Registered Post. It is noted that the said information has been received by the appellant on 09/05/2023. Opportunity was given to the appellant to register his say on the information he received, wherein, appellant appeared on 31/07/2023 and filed submission. It appears that the PIO has furnished incomplete information on point no. 4, 5 and 6 of the application and the appellant vide his submission has prayed for the remaining information.
7. As the part information has been furnished and the PIO has apologized for the delay, no malafide intention can be attributed to the conduct of the PIO. However, PIO is required to furnish remaining information on point no. 4, 5 and 6.
8. The Commission cannot lose sight of the fact that, the PIO could have furnished the said information without any delay. Thus, the PIO is warned to hereafter comply with Section 7 (1) of the Act by responding to the applications received under Section 6 (1) of the Act, as provided under the law.
9. Hence, the present appeal is disposed with following order:-
 - a) PIO is directed to furnish remaining information on point no. 4, 5 and 6 sought by the appellant vide application dated 02/11/2023, within 10 days from the receipt of this order.
 - b) All other prayers are rejected.

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.