

**GOA STATE INFORMATION COMMISSION**

“Kamat Towers” 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 234/2023/SIC**

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,  
Amitesh Shirvoikar (Chief Officer),  
Mapusa Municipal Council,  
Mapusa Goa 403507.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 16/03/2023
PIO replied on	: Nil
First appeal filed on	: 20/04/2023
First Appellate Authority order passed on	: 31/05/2023
Second appeal received on	: 04/07/2023
Decided on	: 21/12/2023

**ORDER**

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 04/07/2023.
2. The brief facts of the present matter as contended by the appellant are that, being aggrieved by the deemed denial of his request for information, by the PIO, he preferred first appeal before the FAA. In spite of direction by the FAA to furnish the information, PIO failed to comply with the same. It is the contention of the appellant that he has not received the desired information, thus appeared before the Commission by way of second appeal.
3. Notice was issued to the concerned parties, pursuant to which appellant appeared in person and prayed for the information. Shri. Nilesh Lingudkar, the present PIO appeared, however, no reply was filed by him or on behalf of the then PIO, Shri. Rajendra Bagkar.

4. Upon perusal of the records it is seen that, the appellant had sought information pertaining to certain issues. These issues are within the jurisdiction of the public authority i.e. Mapusa Municipal Council. Hence, the requested information is required to be available in the records of the authority and the PIO needs to furnish the same to the appellant.
5. Further, PIO has neither claimed exemption from disclosure under Section 8 (1) of the Act, nor rejected the same under Section 9 of the Act. Also, the PIO had not transferred the application under Section 6 (3) of the Act to any other public authority. Meaning, the information has to be available in the records of the PIO and the Act mandates him to furnish the same to the appellant.
6. In the light of above discussion and in the background of the findings of the Commission, the present appeal is disposed with the following order:-
  - a) PIO is directed to furnish the information sought by the appellant vide application dated 16/03/2023, within 20 days from receipt of this order, free of cost.
  - b) PIO is directed to deal with the applications received under Section 6 (1) of the Act hereafter, strictly as provided by law.
  - c) Rest of the 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.

