

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. 238/2023/SIC

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

-----Appellant

v/s

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

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

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 27/03/2023
PIO replied on	: Nil
First appeal filed on	: 05/05/2023
First Appellate Authority order passed on	: Nil
Second appeal received on	: 07/07/2023
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 07/07/2023.
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, however, the said appeal was not decided within the mandatory period as provided under Section 19 (6) of the Act. It is the contention of the appellant that he has not received the information, nor first appeal was heard, 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.

Respondent FAA neither appeared, nor any submission was filed on his behalf.

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. Before closing, the FAA is hereby reminded that Section 19 (6) of the Act requires him to dispose the appeal within maximum of 45 days from the receipt of the same. Non disposal of the first appeal denies the PIO an opportunity to justify his action.
7. 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 27/03/2023, 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.