

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 294/2022/SIC

Prashant P. Naik,
Dina Hsg. Complex, FF4,
B.B. Borkar Road, Alto- Porvorim,
Bardez-Goa 403521.

-----Appellant

v/s

1.Mamlatdar of Bardez &
First Appellate Authority,
Mapusa, Bardez-Goa.

2. Public Information Officer,
O/o. the Mamlatdar of Bardez,
Mapusa-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 20/07/2022
RTI application transferred on	: 16/08/2022
PIO replied on	: Nil
First appeal filed on	: 10/10/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 28/11/2022
Decided on	: 26/06/2023

ORDER

1. Appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information from the Public Information Officer (PIO), Office of the Deputy Collector and Sub Divisional Magistrate, Mapusa –Goa. The PIO vide letter dated 16/08/2022 transferred the application to the PIO, Office of the Mamlatdar of Bardez, Mapusa –Goa. It is the contention of the appellant that he received no reply from PIO, hence, filed first appeal before the First Appellate Authority (FAA), Mamlatdar of Bardez. Appellant further contends that, the said appeal was not decided and he was compelled to file second appeal under Section 19 (3) of the Act, before the Commission.
2. Notice was issued to the concerned parties, pursuant to which appellant appeared in person and filed submission dated 20/02/2023. Respondent No. 2, PIO, Shri. Rupesh Kerkar appeared in person and filed replies dated 30/01/2023, 13/03/2023 and clarification on 25/04/2023.

3. Appellant stated that information was not furnished to him within the stipulated period, also first appeal was not decided within the mandatory period of 45 days, therefore, he prays for complete information, compensation from the authority and penal action against the PIO. Further, some of the documents furnished during the present proceeding are not certified, photographs are not clear, thus, he requests the Commission to direct PIO to furnish the information which is certified, signed, legible and clear.
4. Shri. Rupesh Kerkar, PIO apologized for the failure to furnish the information within the stipulated period. PIO stated that, now he has furnished certified copies of inspection report, check list and the concerned plan as sought vide application dated 20/07/2022 by the appellant. Also that, he has answered the queries of the appellant with respect to some unclear issues as pointed out by the appellant and furnished certified copies of photographs provided by Talathi of Siolim. PIO further stated that, he has furnished entire information and clarified all issues raised by the appellant.
5. Upon perusal it is seen that, the appellant vide application dated 20/07/2022 had sought from the PIO, Office of the Deputy Collector and Sub Divisional Magistrate, certain information. The said application was transferred under Section 6 (3) of the Act to the PIO, Awal Karkun, Office of Mamlatdar of Bardez. The Commission noticed that the application was not replied by the PIO as well as first appeal was not decided by the FAA. During the present proceeding PIO furnished information, however, appellant vide submission dated 20/02/2023 raised some queries pertaining to authentication of information. Subsequently on 25/04/2023, PIO clarified to the satisfaction of the appellant. Appellant was given time to raise further queries if any with respect to information provided.
6. Appellant after receiving the information and clarification from PIO preferred to stay away from the proceeding. Thus, the Commission concludes that the appellant has received complete and correct information from PIO.
7. Appellant has prayed for compensation from the authority for causing him undue stress and expenditure. However, the appellant has not elaborated on the amount of loss suffered substantiating the compensation. Hence, the Commission cannot consider the said prayer. Similarly, appellant has requested for penal action against the PIO. Considering that the complete and correct information has been furnished during the present proceeding and subscribing to the ratio

laid down by Hon'ble High Court Bombay at Goa Bench in A. A. Parulekar v/s. Goa State Information Commission and Public Authority and others v/s. Shri. Yeshwant Tolio Sawant, the Commission concludes that, no malafide intention has been established on the part of PIO and finally information has been furnished, thus, there is no need to invoke Section 20 against the PIO.

8. However, the Commission takes serious note of the fact that the application was not replied by the PIO as required under Section 7 (1) of the Act, within the stipulated period. Similarly, the first appeal filed by the appellant was not heard by the FAA. FAA under Section 19(6) of the Act is required to dispose the appeal within maximum of 45 days from the receipt of the same. In the present matter PIO, Awal Karkun of the Office of the Mamlatdar and FAA, Mamlatdar of Bardez Taluka are senior officers, expected to know the provisions of the Act. Any failure to honour the Act is considered as de-reliction of duty. Thus, both the officers are warned hereafter to honour the provisions of the Act.
9. In the background of the facts and findings as mentioned above the Commission finds that information sought by the appellant has been furnished by the PIO. Similarly, as mentioned above no other relief can be granted to the appellant.
10. Hence, the present appeal is disposed accordingly and 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

