

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 66/2023/SIC

Shri. Pratap Anant Mardolkar,
R/o. H. No. 84, Near Dabolim Junction,
Post Dabolim Airport,
Alto Dabolim-Goa 403801.

-- ---Appellant

v/s

State Public Information Officer (SPIO),
Office of the Village Panchayat Chicalim,
Chicalim Goa 403711.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 01/12/2022
PIO replied on	: Nil
First appeal filed on	: 06/01/2023
First Appellate Authority order passed on	: 01/02/2023
Second appeal received on	: 13/02/2023
Decided on	: 11/05/2023

ORDER

1. The second appeal filed under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') by the appellant, against Respondent Public Information Officer (PIO), came before the Commission on 13/02/2023.
2. The brief facts of this appeal, as contended by the appellant are that he had sought certain information from the PIO. Upon not getting any reply within the stipulated period, he filed appeal before the FAA. FAA while disposing the appeal directed the PIO to furnish information within seven days, yet PIO failed to comply with the said direction. Being aggrieved, appellant preferred second appeal before the Commission.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. Appellant appeared and pressed for the information. Advocate Narayan R. Pai appeared on behalf of the PIO and undertook to furnish the information on the next date of hearing.
4. Upon perusal of the records of the present matter it is seen that the appellant vide application dated 12/12/2022 had sought information on two points and the said application was not responded by the PIO within the stipulated period. First appeal filed by the appellant was

heard by the FAA, appellant remained present however, PIO did not turn up before the FAA inspite of sufficient opportunities provided to him. FAA directed the PIO to furnish information sought by the appellant free of cost, within seven days.

5. The Commission observes that, the PIO neither remained present before the FAA, nor complied with the order of the FAA. Finally, Advocate Narayan R. Pai appeared on behalf of the PIO, before the Commission, during the present proceeding, on 23/03/2023 and apologised for the delay in furnishing the information. Advocate Narayan R. Pai, on 03/04/2023 undertook to furnish complete information to the appellant. Accordingly, the information was furnished to the appellant on 20/04/2023 and was received and acknowledged by the appellant. Advocate Narayan R. Pai, after furnishing the information requested the appellant to withdraw the appeal, to which appellant agreed.
6. Appellant, after receiving the information stated that, since the information has been received he has no any grievance against the PIO, thus he seeks permission of the Commission to withdraw the appeal. However he prayed before the Commission to issue warning to the PIO to respond to his applications in future, as provided in the Act.
7. This being the case, the Commission concludes that, the information sought by the appellant vide application dated 12/12/2022 has been furnished. Thus, the prayer for information becomes infructuous and no more intervention of the Commission is required in the present appeal proceeding.
8. However, PIO needs to be censured for the delay in furnishing the information. Information which was furnished during the present proceeding was available in the records of PIO and he could have provided the same to the appellant within the stipulated period of 30 days. Section 7 (1) of the Act requires PIO to furnish the information or to respond to the application as expeditiously as possible, and in any case within 30 days of the receipt of the request. In the present matter, the Commission takes serious cognisance of the fact that PIO failed to honour Section 7(1) of the Act, as well as failed to comply with the direction of the FAA.
9. Thus, Shri. Amrit Sakhalkar, PIO and Secretary of Village Panchayat Chicalim is warned hereafter to respond to the applications received under Section 6 (1) of the Act, as provided by the law and any

violations by the said PIO will be viewed strictly as per the provision of the Act.

10. In the light of above discussion, the present appeal is disposed as withdrawn and the 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.