GOA STATE INFORMATION COMMISSION
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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 78/2023/SIC

Mr. Jawaharlal T. Shetye,
H.N. 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, Bardez-Goa 403507.

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

Relevant dates emerging from appeal:

RTI application filed on	: 07/12/2022
PIO replied on	: Nil
First appeal filed on	: 10/01/2023
First Appellate Authority order passed on	: 30/01/2023
Second appeal received on	: 03/03/2023
Decided on	: 19/06/2023

O R D E R

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought certain information from Respondent No. 1, Public Information Officer (PIO). Being aggrieved by non furnishing of the information by the PIO inspite of the direction from Respondent No. 2, First Appellate Authority (FAA), appellant has approached the Commission against both the respondents i.e. PIO and FAA, by way of second appeal.

2. It is the contention of the appellant that, his application was not responded by the PIO within the stipulated period. Later, PIO did not comply with the direction of his higher authority, FAA, thereby committing the act of disobedience and behaved in a manner unbecoming of a Government / Public servant.

3. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice, appellant appeared in person

praying for complete information and penal action against the PIO. Shri. Rajendra Bagkar, PIO appeared in person and undertook to furnish the information to the appellant. During the hearing on 15/05/2023 Shri. Rajendra Bagkar, PIO requested for one more opportunity to furnish the information and file compliance report. PIO was directed by the Commission to file compliance report on or before 26/05/2023.

4. Upon perusal of the records of the instant appeal it is seen that, though the PIO was given final opportunity to furnish the information to the appellant and file compliance report on or before 26/05/2023, no such report was filed by the PIO. Later, on 07/06/2023 a submission alongwith enclosures was received in the entry registry. PIO vide the said submission stated that information on point no.1 (a) to 1 (e) has been furnished to the appellant through Registered AD and that the copy of the same is enclosed for the perusal of the Commission.

5. Upon perusal of the said submission, the Commission notes that, the appellant had sought information on point no. 1 (a) to 1 (e) and with respect to information on point no. 1 (a) to 1 (d) PIO has stated that no trade licence is issued by this Council, and with respect to information on point no. 1 (e) PIO has furnished the copy of Trade Licence no. T/0/7691.

6. It is seen that the appellant under point no. 1 (a) to 1 (d) had requested for copy of all the documents relied upon by the authority in issuing trade and establishment licence to different persons/ establishments. It appears from the submission of the PIO that the public authority has not issued trade and establishment licence to the concerned parties mentioned in point no. 1 (a) to 1 (d). Hence, no such information can be furnished to the appellant.

7. However, it is noted that the information furnished on point no. 1 (e) is incomplete. Appellant had requested for copies of all the documents relied upon by the authority while issuing trade and establishment licence to the Jan Utkarsh Urban Corporative Society Ltd, whereas, PIO has furnished only the copy of the said licence. Thus, direction needs to be issued to the PIO to furnish the remaining information.

8. Before closing, it is noted that the PIO had not responded to the application within the stipulated period of 30 days. Also, he failed to comply with the direction of the FAA. However, the Commission takes

lenient view in the present matter considering the efforts taken by the PIO in furnishing the information, however, directs him to search the records and furnish the remaining information.

9. In view of the above discussion the present appeal is disposed with the following order:-

a) PIO is directed to furnish remaining information on point no. 1 (e) sought by the appellant vide application dated 07/12/2022, within 10 days from receipt of this order, free of cost.

b) PIO is directed hereafter to respond to the applications received under Section 6 (1) of the Act, within the stipulated period, as provided under Section 7 (1) of the Act.

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