

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. 82/2023/SIC

Shri. 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	: 08/12/2022
PIO replied on	: Nil
First appeal filed on	: 17/01/2023
First Appellate Authority order passed on	: 10/02/2023
Second appeal received on	: 03/03/2023
Decided on	: 31/07/2023

ORDER

1. Appellant aggrieved by non compliance of the order of First Appellate Authority (FAA), under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 03/03/2023.
2. It is the contention of the appellant that he received no reply to his application from PIO, within the stipulated period, thus filed first appeal before the FAA. FAA while disposing the appeal directed PIO to furnish the information within 15 days. Appellant further contends that no action was taken by the PIO to comply with the said order. Being aggrieved, he has filed second appeal before the Commission.
3. Pursuant to the notice, Shri. Rajendra Bagkar, PIO appeared and undertook to furnish the information. Later on 13/06/2023 PIO filed submission and on 05/07/2023 filed reply. Appellant appeared

initially, filed submission dated 23/05/2023 and opted not to attend further proceeding.

4. PIO stated that, he apologizes for the delay in furnishing the information, and that, vide letter dated 05/04/2023 he had furnished the information to the appellant and in compliance with the direction by the Commission, has dispatched the information via Registered AD Post. PIO further requested for disposal of the matter.
5. Appellant vide his submission dated 23/05/2023 has submitted that, the present PIO does not respond to applications and the Chief Officer/ FAA had observed in one appeal proceeding that the PIO is negligent, which causes delay in furnishing the information. Thus, the appellant requests for initiating penal proceeding against the PIO.
6. Upon perusal, it is seen that, the appellant was basically aggrieved by non action from PIO's side within the stipulated period as well as after the order of the FAA. Information sought by the appellant is in public domain and the PIO was required to furnish the same. By not providing the information, PIO has violated provision of Section 7 (1) of the Act. However, it is noted that during the present proceeding PIO appeared before the Commission and apologized for the delay and undertook to furnish the information to the appellant.
7. During the proceeding on 13/06/2023, PIO filed submission stating that, the information was furnished. Later on 05/07/2023, filed reply stating that, he had dispatched the information by Registered Post. It is noted that the said information has been received by the appellant on 13/06/2023. Opportunity was given to the appellant to register his say on the information he received, however, appellant neither appeared, nor filed any say. This being the case, the Commission holds that the information as sought by the appellant has been furnished to him by the PIO.
8. The Commission notes that the appellant has prayed for penal action against the PIO for causing delay in furnishing information. However, it is observed that though after delay, PIO has finally furnished the information and he had not withheld the information with any malafide intention. Similarly, PIO has apologized for the delay. Thus, subscribing to the ratio laid down by Hon'ble High Court of Bombay at Goa in A.A. Parulekar v/s. Goa State Information Commission and Public Authority and Others v/s. Yeshwant Tolio Sawant, the Commission concludes that the PIO has furnished the information to the appellant and there is no need to invoke Section 20 of the Act

against the PIO. However, PIO is warned to hereafter comply with Section 7 (1) of the Act by responding to the applications received under Section 6 (1) of the Act, as provided under the law.

9. Hence, the present appeal is disposed accordingly 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.