

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. 84/2023/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	: 15/12/2022
PIO replied on	: Nil
First appeal filed on	: 16/01/2023
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. The 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, however filed no submission 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 02/06/2023 he had furnished the information to the appellant and in compliance with the direction by the Commission, had dispatched the information via Registered AD Post. PIO further requested for disposal of the matter.
5. 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.
6. 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.
7. As the information has been furnished and the PIO has apologized for the delay, no malafide intention can be attributed to the conduct of the PIO. Thus, the Commission concludes that nothing survives in the instant matter.
8. However, the Commission cannot lose sight of the fact that, the PIO could have furnished the said information without any delay. Thus, the PIO is warned to hereafter 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.