

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 102/2023/SIC

Shri. Vinayak S. Methar,
H. No. 6, Madhalawada,
Arambol, Pernem Goa.

-----Appellant

v/s

1. The Public Information Officer,
The Secretary of Arambol Village Panchayat,
Arambol, Pernem-Goa.

2. The First Appellate Authority,
The Block Development Officer, Pernem Taluka,
Pernem-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 15/10/2022
PIO replied on	: 14/11/2022
First appeal filed on	: 05/12/2022
First Appellate Authority order passed on	: 28/12/2022
Second appeal received on	: 15/03/2023
Decided on	: 21/08/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 15/03/2023.
2. The brief facts of this appeal as contended by the appellant are that, he had sought from the PIO information on 25 points including inspection of records. The PIO did not furnish point-wise reply, nor provided inspection, thus, he filed first appeal against the PIO. FAA, while disposing the appeal directed the PIO to facilitate inspection of records and furnish the information free of cost within 15 days. It is the contention of the appellant that the PIO has failed to give due consideration to the application and has not complied with the direction of the FAA, which compelled him to prefer second appeal before the Commission.
3. Pursuant to the notice, Shri. Umesh Shetgaonkar, the then PIO Shri. Francis A. Fernandes, former PIO, Shri. Vijay Tilve, former PIO

and Shri. Sunil Shetye, present PIO appeared in person. Shri. Sunil Shetye, present PIO and Shri. Francis A. Fernandes, former PIO filed reply dated 08/06/2023. Shri. Sunil Shetye, present PIO filed another reply dated 25/07/2023 alongwith enclosures of remaining information.

4. Advocate Anish S. Bacal while arguing on behalf of the appellant stated that, PIO had not taken any efforts during the stipulated period to furnish the information. Further, he visited PIO's office after the directions issued by the FAA to furnish the information, yet PIO did not provide any information, nor allowed inspection of records. Thus, he insisted on getting correct and complete information.
5. Shri. Francis A. Fernandes, former PIO stated that, the PIO had written a letter to the appellant on 14/11/2022 requesting him to collect the information. The said letter was duly served, yet the appellant did not collect the information. Thus, the information was made available to the appellant and was never denied.
6. Shri. Sunil Shetye, present PIO submitted that, he joined the office as PIO/ Secretary on 23/03/2023 and since then taken efforts to collect and furnish the information to the appellant. Also that, he provided inspection to the appellant on 11/07/2023. PIO further stated that, on 20/07/2023 and 25/07/2023 he furnished additional information and as all the available information has been provided, he requests for disposal of the matter.
7. Upon perusal of the records it is seen that, the appellant is mainly aggrieved since he had not received any information within first 30 days and then the order of the FAA was not complied with. The Commission observes that the contentions of the appellant that the information was not furnished and inspection was not provided are correct. However, the other side of this matter needs to be looked into before arriving at any findings.
8. It is seen from the records that, Shri. Umesh Shetgaonkar was the PIO on the date of application. He was transferred in few days and Shri. Francis Fernandes took over as PIO/ Secretary. Later, upon transfer of Shri. Francis Fernandes, Shri. Vijay Tilve was posted as PIO/ Secretary of Village Panchayat Arambol and by the time second appeal came before the Commission, Shri. Sunil Shetye was posted as PIO/Secretary. Thus, due to the frequent transfers, no PIO got time to settle and furnish the information. Also, it is a fact that

information requested by the appellant vide application dated 15/10/2022 is bulky and voluminous.

9. Nevertheless, Shri. Sunil Shetye, PIO during the current proceeding was directed to provide inspection and furnish information to the appellant. The said PIO in compliance with the direction of the Commission provided inspection and has furnished information as available which has been acknowledged by the appellant.
10. The Commission finds that the information as available in the records of the PIO has been furnished to the appellant though after some delay. The Commission does not find any intentional or deliberate delay in the action of the PIO. Thus, there is no need of invoking Section 20 of the Act against the PIOs.
11. In the background of the above mentioned findings, the Commission concludes that nothing survives in the present appeal and hence, the appeal is disposed accordingly.

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.