

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 60/2023/SIC

Mr. Gurunath Gopalkrishna Naik,
S-4, Sandip Apartments,
2nd Floor, Building-B,
Dr. Dada Vaidya Road,
Panaji-Goa 403001.

-----Appellant

v/s

1. The Public Information Officer,
Sub Divisional Police Officer,
Panaji-Goa 403001.

2. The First Appellate Authority,
Superintendent of Police (North),
Porvorim-Goa 403507.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 29/08/2022
PIO replied on	: 19/09/2022
First appeal filed on	: 10/10/2022
First Appellate Authority order passed on	: 19/11/2022
Second appeal received on	: 10/02/2023
Decided on	: 12/06/2023

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 10/02/2023.
2. The brief facts of this appeal, as contended by the appellant are that, he had sought information on six points and not satisfied with the information furnished, he filed appeal before FAA, which was disposed vide order dated 19/11/2022. Being aggrieved by non furnishing of the complete information and by the order of the FAA, appellant preferred second appeal before the Commission.
3. Notice was issued, pursuant to which appellant appeared in person praying for the information. Shri. Vithaldas Kuttikar, PSI, Panaji Police Station appeared for the PIO and filed reply on 15/03/2023. Appellant on 25/04/2023 filed rejoinder to the reply of PIO. Shri. Sudesh R. Naik, PIO remained present on 04/04/2023 and undertook to provide inspection to the appellant. Later, submission

dated 25/04/2023 and reply to appellant's rejoinder were filed on 10/05/2023, on behalf of PIO.

4. PIO stated that, upon receipt of the application, information as available was furnished to the appellant within the stipulated period. In spite of that, the appellant filed first appeal. FAA while disposing the appeal had directed the PIO to provide inspection of inward register of Panaji Police Station dated 25/11/2019, however appellant did not approach him for inspection and filed second appeal. By stating this, PIO prayed for dismissal of the appeal.
5. Appellant submitted that, his grievance against the respondent PIO is that the information furnished on points no. 5 and 6 is the copy of the same letter dated 25/11/2022 written by the Goa State Co-operative Bank Ltd, to Dy. S.P. Panaji Police Station. Under point no. 5 he had sought copy of letter written by Mr. Uday Dessai on the letter head of the said bank and under point no. 6 he had requested for copy of letter written by the Managing Director of the said bank. Appellant further contended that, from the above it is clear that he was furnished false information.
6. Appellant further submitted that, written arguments filed by him before the FAA during the proceeding of the first appeal were admitted by the FAA, but the same has not reflected in the order dated 19/11/2022, meaning his arguments were not considered by the FAA. Also, Roznama dated 11/11/2022 is not signed by the authority.
7. Shri. Vithaldas Kuttikar, PSI while arguing on behalf of the PIO stated that no false information was furnished to the appellant. As per the record, Panaji Police Station received only one letter on 25/11/2022 from the Managing Director / Mr. Uday Dessai on the letterhead of the Goa State Co-Operative Bank Ltd., accordingly information on point no. 5 and 6 was provided to the appellant. Further, during the present proceeding, as per the direction of the Commission, inspection was provided to the appellant and the appellant has inspected inward register of Panaji Police Station dated 25/11/2022. Thus, PIO has not suppressed or denied any information.
8. Upon perusal it is seen that, the appellant is aggrieved on two issues. One: misleading furnish of information on point no. 5 and 6 and Two:- Disposal of first appeal by the FAA. Hence, the Commission is required to decide on these two issues.

9. With respect to the first issue, it is the contention of the appellant that the PIO has furnished copy of the same letter dated 25/11/2022 written to his office, as information on point no. 5 and 6 of his application. Records indicate that appellant had requested under point no. 5, for copy of the letter dated 25/11/2022 written by Mr. Uday Dessai on the letterhead of the Goa State Co-operative Bank, and under point no. 6, for copy of the letter dated 25/11/2022 written by the Managing Director of the said bank. It appears from the available records that Mr. Uday Dessai was assigned the duty by the Managing Director of the said bank to pursue the matter with the Police Department. The office of the PIO has in his records only one letter dated 25/11/2022 addressed to the Dy. S.P., Panaji Police Station, on the letterhead of the said bank. The appellant has raised questions regarding authenticity of the said information, however, the Commission finds that the PIO has furnished the available information and provided inspection of relevant records. Thus, there is no ground available to uphold appellant's contention. Therefore, the Commission concludes that the PIO has furnished information as available on point no. 5 and 6 of the application.
10. Second issue pertains to the disposal of the first appeal by the FAA. It is seen from the records that the first appeal was filed on 10/10/2022 and the FAA, Superintendent of Police (North) after hearing both the sides disposed the appeal as provided under Section 19 (6) of the Act. FAA vide order dated 19/11/2022 upheld PIO's stand, yet provided appellant an inspection of the inward register of Panaji Police Station dated 25/11/2022. The Commission finds that the said order is a detailed reasoned order, there is no wrong in the said order.
11. In the background of the facts and findings as mentioned above, the Commission concludes that, the information sought by the appellant vide application dated 29/08/2022 was furnished by the PIO within the stipulated period. Further, in compliance with the direction of the Commission, PIO also provided for inspection of the inward register of Panaji Police Station dated 25/11/2022 and appellant has not raised any query after carrying out the inspection. Hence, nothing survives in the present matter.
12. In the light of above discussion, the Commission finds no merit in the present appeal, thus, the same is disposed as dismissed.

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.