

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 68/2023/SIC

Mr. Zacarias Borges,
R/o H. No. 81,
Cupem, Nuvem,
Salcete, Goa, 403713.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Mamlatdar of Salcete,
Mathany Saldanha Complex,
Margao, Salcete, Goa, 403601.

2. The First Appellate Authority,
Office of the Deputy Collector,
Mathany Saldanha Complex,
Margao, Salcete Goa, 403601.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 22/09/2022
PIO replied on	: Nil
First appeal filed on	: 08/11/2022
First Appellate Authority order passed on	: 16/12/2022
Second appeal received on	: 15/02/2023
Decided on	: 08/08/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought from Respondent No. 1, Public Information Officer (PIO) information as below:-

"I, the applicant above named most respectfully request your good office to furnish me the following information under the Right to Information Act with respect to Mutation No. 1418 with regard to the property bearing Survey No. 10/1 of Nuvem Village:-

- (a) Copy of the application dated 15/12/2002
- (b) Form X along with proof of service
- (c) Affidavit dated 06/01/2003
- (d) Deed of Sale dated 18/11/1975 duly registered in the Office of the Sub Registrar furnished to certify the mutation along with the translation."

2. It is the contention of the appellant that, he received no response from the PIO, thus, filed first appeal before Respondent No. 2, First

Appellate Authority (FAA). The FAA directed the PIO to furnish the information however, the said direction was not complied by the PIO. Being aggrieved, appellant preferred second appeal before the Commission praying for the information.

3. The concerned parties were notified, pursuant to the notice, Shri. Rohan Paes, Awal Karkun and Shri. Vishwas Satardekar, APIO appeared on behalf of PIO and filed reply on 21/04/2023 and 23/06/2023. Advocate C. Vas appeared for the appellant and argued for complete information.
4. Appellant submitted that, the information sought by him falls within the purview of the Act, could not be refused under Section 8 (1) and Section 9 of the Act. Thus, the PIO was obliged to furnish the same, yet PIO has refused the information without reasonable cause.

Advocate C. Vas while arguing on behalf of the appellant stated that the PIO neither responded within the stipulated period nor complied with the direction of the FAA.

5. PIO stated that, the concerned file was submitted to the Vigilance Officer, Directorate of Vigilance by the Collector, South Goa, Margao and it is informed by the Deputy Collector & SDO-II, Salcete vide letter dated 05/01/2023 that the mutation file bearing no. 1418 is not submitted to his office by the Vigilance Department. However, photocopies of the said mutation file are available in the Office of the Deputy Collector & SDO-II, Salcete and the copies of which are now submitted to the appellant. PIO further stated that the information as available has been furnished, thus, he requests for disposal of the appeal.
6. Upon perusal it is seen that, the information sought pertained to the file of Mutation No. 1418 with regards to the property bearing Survey No. 10/1 of Nuvem Village and the PIO could not furnish the information as the file was with the Vigilance Department. However, PIO under Section 7 (1) of the Act was required to respond to the application or under Section 6 (3) transfer the application. Non response resulted under Section 7 (2) of the Act into deemed refusal of the request and aggrieved appellant was compelled to approach appellate authority to get the information.
7. Nevertheless, PIO during the present proceeding appeared through his official representative and stated that photocopies of the said file are available in the office of the Deputy Collector. PIO alongwith

Shri. Vishwas Satardekar, APIO took efforts and furnished certified copies of the same to the appellant.

8. PIO vide reply dated 04/08/2023 Received in the registry on 07/08/2023 has stated that the remaining information was sent to the appellant by Registered AD Post and requested for disposal of the matter. The Commission notes that the PIO has finally furnished the information to the appellant. Though the information was furnished after considerable delay, no malafide can be attributed to the intention and action of the PIO. Hence, nothing survives in the instant appeal and the matter needs to be disposed.
9. In the background of the above discussion, 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.