

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. 178/2022/SIC

Shri. Jawaharlal Shetye,
H. No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa, 403507

-----Appellant

V/s

1. The Public Information Officer (PIO),
Mapusa Municipal Council,
Mapusa-Goa, 403507

2. The First Appellate Authority (FAA),
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 30/03/2022
PIO replied on	: Nil
First appeal filed on	: 04/05/2022
First Appellate Authority order passed on	: Nil
Second appeal filed on	: 01/07/2022
Decided on	: 27/03/2023

ORDER

1. The second appeal filed under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as 'the Act') by the appellant, against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 01/07/2022.
2. The brief facts of this appeal, as contended by the appellant are that he had sought certain information from the PIO, upon not getting any reply within the stipulated

period, he filed appeal before the FAA. The said appeal was not heard by the FAA. Being aggrieved, appellant preferred second appeal before the Commission.

3. Notices were issued to the concerned parties and the matter was taken up for hearing. Appellant appeared and pressed for the information. PIO and APIO appeared and undertook to furnish the information however filed no reply. Smt. Pallavi Dicholkar appeared on behalf of the FAA under authority letter.
4. Upon perusal of the records of the present matter it is seen that, the appellant vide application dated 30/03/2022 had sought information on five points and the said application was not responded by the PIO within the stipulated period. Similarly, first appeal was not decided by the FAA. Simultaneously PIO and FAA were transferred and new officers took over as PIO and FAA. Upon taking over charge, Shri. Santosh Humraskar, PIO, Administration section filed a reply in the registry on 22/02/2023 stating that the subject matter of the present appeal does not pertain to Administration section and the same pertains to Taxation and Technical Section.
5. With this, the Commission finds that the information sought by the appellant pertains to Taxation Section and Technical Section of the Public Authority. The said information is eligible as information under section 2(f) of the Act, neither exempted from disclosure under section 8, nor rejected under section 9 of the Act. Hence, the concerned PIO is required to furnish the same.
6. This being the case, the concerned PIO needs to be censured for the apathy shown towards the applicant. The information sought by the appellant could have been furnished within the stipulated period of 30 days. Similarly, FAA deserves to be excoriated for not disposing

the first appeal filed under section 19(1) of the Act. Section 19(6) mandates the FAA to dispose the appeal within maximum of 45 days from the date of filing.

7. In the background of the facts and findings, as mentioned above, the present appeal is disposed with the following order:-

a) PIO is directed to furnish information sought by the appellant vide application dated 30/03/2022, within 20 days from the receipt of this order, free of cost.

b) PIO hereafter is directed to respond to the applications received under section 6(1) of the Act, strictly within the stipulated period, as provided by the law.

c) FAA hereafter is directed to hear and dispose the appeal received under section 19(1) of the Act, strictly as provided under section 19(6) of the Act.

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