

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 288/2022/SIC

Nevil B. Furtado,
H. No. 51, Copelwaddo,
Sernabatim, Salcete-Goa,
403708.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Mamlatdar of Salcete,
Mathany Saldhana Administrative Complex,
1st Floor, Margao, Salcete-Goa.
403601.

2. The First Appellate Authority,
The Dy. Collector & SDO,
Mathany Saldhana Administrative Complex,
1st Floor, Margao, Salcete-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 20/07/2022
PIO replied on	: Nil
First appeal filed on	: 08/09/2022
First Appellate Authority order passed on	: 23/09/2022
Second appeal received on	: 23/11/2022
Decided on	: 25/05/2023

ORDER

1. The appellant vide his application filed under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought for Suo Moto inspection of two files with respect to order passed in case no. JM-III/CI/07/2019 and case no. JM-I/Mund/Colva/I-A/91, and documents applied from the said files upon inspection. Respondent No. 1, Public Information Officer (PIO) failed to respond within the stipulated period, hence he filed appeal before Respondent No. 2, First Appellate Authority (FAA). FAA vide order dated 23/09/2022 directed PIO to furnish the Suo Moto inspection and subsequent information identified by the appellant, yet PIO did not comply with the direction. Being aggrieved, the appellant under Section 19 (3) of the Act preferred second appeal before the Commission.
2. The concerned parties were notified, pursuant to the notice appellant appeared and filed submission dated 07/02/2023. Smt. Sharmila Sinai Kerkar, Shri. Rohan Paes and Shri. Vishwas Satardekar appeared on

behalf of the PIO and filed reply dated 19/01/2023, 14/03/2023 and 03/05/2023. Shri. Abhishek A. Naik, Awal Karkun appeared for FAA and filed reply on 07/02/2023.

3. PIO stated vide reply dated 19/01/2023 that, efforts were made to search the concerned files, however both the files are not available in the records of the PIO. Directions were given to all the courts of Joint Mamlatdars of Salcete and all the courts had informed that the relevant files are not available in their records.

Further, vide reply dated 14/03/2023 PIO submitted that file in case no. JM-III/CI/07/2019 was found in the records and the appellant was provided inspection. Hence, the appeal may be disposed.

4. FAA stated that, during the proceeding of first appeal it was found that the PIO had failed to comply with Section 7 (1) of the Act. Therefore, he passed the order directing PIO to allow appellant the inspection of concerned files and furnish the information sought by him.
5. Appellant argued by stating that, the PIO has deliberately denied the Suo Moto inspection of the concerned files. Appellant further submitted that, the PIO has not come out with any documental evidence to substantiate his contention. Thus, the PIO is required to show with evidence that the said files are not available in his records.
6. Upon perusal it is seen that, the appellant had sought for Suo Moto inspection and documents from two files as mentioned above in para 1, the same was not provided by the PIO within the stipulated period. Further, FAA while disposing the first appeal directed PIO to allow the appellant to inspect the files. PIO, inspite of the clear direction from the FAA maintained that the relevant files are not traceable.
7. During the present appeal proceeding the Commission directed PIO to carry out detail search. Pursuant to the said direction PIO vide reply dated 14/03/2023 stated that, file in case no. JM-III/CI/07/2019 was found and provided to the appellant for inspection and documents desired by the appellant were furnished.
8. Appellant though satisfied with this part of information, insisted on getting the remaining information. Hence, the Commission directed PIO to search and provide the other file for inspection. Shri. Vishwas Satardekar, APIO undertook the responsibility of searching the records again and furnishing updated inventory list. Accordingly,

Shri. Vishwas Satardekar, APIO on behalf of the PIO furnished copy of inventory list, which substantiated PIO's contention that file in case no. JM-I/Mund/ Colva/I-A/91 is not available in the records.

9. This being the case, the Commission finds that the information as available in the records of the PIO has been furnished and the PIO with the help of the inventory list has established that the remaining information is not available. However, the PIO needs to be censured for his filibustering tactics which has resulted into long delay in furnishing the available information to the appellant. Information which was furnished during the present proceeding was available in the records of the PIO and he could have provided the same to the appellant within the stipulated period of 30 days. Such a prompt action would have saved the time and resource of the appellant, the respondents and also the Commission. Thus, the PIO is instructed hereafter to respond to the applications received under Section 6 (1) of the Act, strictly as provided by the law.
10. In the background of the above mentioned facts and findings, the Commission concludes that, the information as available has been furnished and no more intervention of the Commission is required in the present matter. Thus, the 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.

