

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 316/2022/SIC**

Shri. Mohamad Irshad Shaikh,  
S/o. Shri. Iqbal Shaikh,  
H.No. 156, Near Shafi Masjid,  
Baina, Vasco-Da-Gama, Goa.

-----Appellant

**v/s**

1. The Public Information Officer,  
Office of the Deputy Collector/ SDM of Mormugao,  
Baina, Vasco-Da-Gama, Goa

2. The First Appellate Authority,  
Additional Collector- I, South Goa District,  
Mathany Saldanha Complex,  
4<sup>th</sup> Floor, Margao, Salcete-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 05/04/2022
PIO replied on	: Nil
First appeal filed on	: 10/05/2022
First Appellate Authority order passed on	: 10/06/2022
Second appeal received on	: 14/11/2022
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 14/11/2022.
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 decided by the FAA vide order dated 10/06/2022 with direction to the PIO to furnish information latest by 17/06/2022. It is the contention of the appellant that he did not receive any information despite the order of the FAA, hence, being aggrieved he has preferred the present second appeal.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. Ms. N. Shaikh appeared on behalf of the appellant under authority letter and filed submission on 31/01/2023.

Shri. Nilesh A. Salgaonkar, Awal Karkun appeared on behalf of the PIO and filed reply alongwith enclosures.

4. Appellant stated that, the information sought by him was available in the records of the PIO, hence, the same should have been furnished to him within the stipulated period of 30 days.
5. PIO submitted that, he has provided the information sought by the appellant and the same was dispatched by Registered Post vide letter No. 3/2/RTI/2023/210 dated 18/01/2023. PIO further submitted that, though after delay, he has furnished the information and prays before the Commission to dispose the matter, considering he never had any malafide intention behind the delay.
6. Appellant, during the proceeding acknowledged receipt of the information from the PIO. However, stated that the information was received after much delay and to get the information he was compelled to file first appeal and second appeal before the authorities, hence, he requests the Commission to grant him compensation towards the cost he had to incur.
7. Upon perusal, it is noted that the PIO had not replied within the stipulated period, as required under Section 7 (1) of the Act. Further, PIO was directed by the FAA to furnish the information and the said direction was not complied. Nevertheless, before the beginning of the proceeding of the second appeal, PIO dispatched the information by Registered Post and the same was received and acknowledged by the appellant. Thus, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa in Public Authority, office of the Chief Engineer and Other v/s Shri. Yeshwant Tolio Sawant (Writ Petition No. 704 of 2012), no penal action needs to be initiated against the PIO.
8. Further, appellant has prayed for compensation towards the cost he had to incur for filing the appeal and travel to different places. However, the appellant has not produced any details pertaining to the amount of the compensation, hence the said request cannot be granted.
9. In the light of above discussion, the Commission concludes that the information sought by the appellant vide application dated 05/04/2022 has been furnished by the PIO and the prayer for information becomes infructuous and no more intervention of the Commission is required in the present matter.

10. Thus, 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