

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. 42/2022/SIC

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

-----Appellant

v/s

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

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

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 20/10/2021
PIO replied on	: Nil
First appeal filed on	: 29/11/2021
First Appellate Authority order passed on	: Nil
Second appeal received on	: 08/02/2022
Decided on	: 27/02/2023

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 08/02/2022.
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. Notice was 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. Smt. Pallavi Dicholkar appeared on behalf of the FAA under authority letter and filed reply on 26/09/2022. Shri. Abhay Rane, PIO, Taxation Section filed compliance report on 30/08/2022 and Shri. Santosh

Humraskar, PIO, Administration Section filed compliance report on 09/11/2022.

4. Upon perusal of the records of the present matter it is seen that the appellant vide application dated 20/10/2021 had sought information on two 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. Abhay Rane, PIO, Taxation Section furnished information on point no. 2, which was available in his section and filed compliance report dated 24/08/2022, received in the Registry on 30/08/2022. Later, Shri. Santosh Humraskar, PIO, Administration Section furnished information on point no. 1 to the appellant by Registered Post and filed compliance report in the Registry of the Commission on 29/11/2022.
5. The Commission observes that, information on point no. 2 has been furnished by Shri. Abhay Rane, PIO, Taxation Section, and the appellant has acknowledged the receipt with his signature on 19/08/2022. Further, information as sought by the appellant on point no. 1 was dispatched by Registered Post to the appellant and Shri. Santosh Humraskar, PIO, Administration Section has filed compliance report alongwith the copy of the acknowledgement card.
6. Hence, the Commission concludes that, the information sought by the appellant vide application dated 20/10/2021 has been furnished. Thus, the prayer for information becomes infructuous and nothing more survives in the present appeal.
7. However, PIO need to be censured for the delay in furnishing the information. Information which was furnished during the present proceeding was available in the records of PIO and he could have provided the same to the appellant within the stipulated period of 30 days. Similarly, FAA deserves to be excoriated for not disposing the first appeal within the mandatory period of 45 days. Section 19 (6) of the Act mandates FAA to dispose the appeal within 30 days or within maximum of 45 days, by recording reasons in writing for delay.
8. In the background of the facts as mentioned above, since the information has been furnished, no any relief is required to be granted to the appellant. Thus, the appeal is disposed with the following order:-

- a) PIO hereafter is directed to respond to the applications received under Section 6 (1) of the Act, strictly as provided by the law.
- b) FAA hereafter is directed to hear and dispose the appeals 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