

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. 150/2022/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	: 14/03/2022
PIO replied on	: Nil
First appeal filed on	: 18/04/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 06/06/2022
Decided on	: 30/01/2023

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 06/06/2022.
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. Shri. Prashant Narvekar, PIO, Technical Section appeared in person and filed reply dated 09/09/2022. Smt. Pallavi Dicholkar appeared on behalf of the FAA and filed reply dated 09/09/2022.

4. Shri. Prashant Narvekar, PIO stated that, Shri. Vyankatesh Sawant was the PIO on the day of the application. Later, after taking over as PIO, under Section 5 (4) of the Act he sought assistance of subordinates and vide letter dated 06/09/2022 furnished information. Information on point nos. 1, 3 and 4 of the application. However, information with respect to point no. 2 is not available in the Technical Section, as such he cannot furnish the said information.
5. FAA stated that, he joined on 24/08/2022 and upon perusing the appeal memo realized that the first appeal which came during the tenure of earlier FAA, was not heard. The matter being unheard and not decided within the stipulated period is not intentional or deliberate.
6. Upon perusal of the records of this matter, it is seen that, the appellant had sought information on four 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. Prashant Narvekar, PIO, Technical Section furnished information on point nos. 1, 3 and 4 which was available in his section.
7. On the other hand it is seen that, appellant though appeared before the Commission initially, later decided not to remain present for the hearing. However, it has been observed that the appellant during the proceeding of the present appeal, though was absent on many occasions, remained present in some other matters regularly. Hence, the Commission concludes that the appellant is satisfied with the information furnished by the PIO, has not raised any objection/ reservation to the information furnished by the PIO, or he may be no longer interested in the information.
8. However, the Commission notes that information sought by the appellant on point no. 2 of his application is not yet furnished and in order to protect the interest of the information seeker, PIO of Technical Section is required to transfer the application to the PIO of the concerned section, and the appeal needs to be disposed accordingly.
9. In the light of above discussion the present appeal is disposed with the following order:-

- a) Shri. Prashant Narvekar, PIO, Technical Section is directed to transfer the application dated 14/03/2022 to the PIO of the concerned section, with respect to the information on point no. 2 of the said application, within two days from receipt of this order.
- b) PIO of the concerned section to whom the application is to be transferred by the PIO of Technical Section, is directed to furnish the information on point no. 2 of application dated 14/03/2022, within 06 days from receipt of the application, free of cost.
- c) PIO and FAA are directed to act responsibly in accordance with the provisions 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

