

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

Complaint No. 30/2022/SIC

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

-----Complainant

v/s

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

-----Opponent

Relevant dates emerging from the proceeding:

RTI application filed on	: 18/05/2022
PIO replied on	: Nil
First appeal filed on	: 23/06/2022
First Appellate authority order passed on	: 27/07/2022
Complaint received on	: 08/09/2022
Decided on	: 03/04/2023

ORDER

1. Aggrieved by non receipt of the information and non compliance of the direction of the First Appellate Authority (FAA), complainant under Section 18 of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed the present complaint against Opponent Public Information Officer (PIO), Mapusa Municipal Council, which came before the Commission on 08/09/2022.
2. The brief facts of this complaint are that, complainant vide application dated 18/05/2022 had sought information on five points. Upon not receiving any reply within the stipulated period from the PIO, he preferred appeal before the FAA. FAA vide order dated 27/07/2022 directed PIO to furnish the information within 30 days. However, no action was taken by the PIO. Being aggrieved, complainant appeared before the Commission.
3. Pursuant to the notice, complainant appeared and stated that PIO has not complied with the direction of the FAA, hence, he has filed the present complaint against the PIO. On the other hand, Shri. Santosh Humraskar, the then PIO appeared in person and undertook to comply with the order of the FAA. The then PIO filed reply alongwith enclosures of information, on 03/11/2022. Shri. Rajendra Bagkar, present PIO filed compliance report alongwith enclosures on 22/02/2023.

4. Upon perusal of the records of the instant complaint it is seen that, appellant was aggrieved by non compliance of the order of the FAA, wherein, PIO was directed to furnish the information free of cost. However, during the proceeding Shri. Santosh Humraskar, the then PIO appeared in person and apologized for the delay in compliance and undertook to adhere to the direction of the FAA by furnishing the information to the complainant. Accordingly, vide reply dated 03/11/2022 Shri. Humraskar furnished information except on point no. 1.
5. In the meanwhile, Shri. Rajendra Bagkar was designated as PIO and Shri. Bagkar vide compliance report dated 14/02/2023, filed in the registry on 22/02/2023 stated that the remaining information (point no. 1) has been dispatched to the complainant by Registered A.D. Post. Shri. Bagkar furnished copy of acknowledgment card signed by the complainant.
6. With this, the Commission finds that the information as desired by the complainant vide application dated 18/05/2022 has been furnished in accordance with the direction of the FAA. The present matter being complaint filed under Section 18 of the Act, the Commission has no jurisdiction to direct the PIO to furnish the information. However, in the interest and the spirit of the Act, the Commission is of the opinion that the information as available has to be furnished to the complainant. The Act has been enacted with the main intention of ensuring maximum disclosure of the information in order to promote accountability in the working of the public authority.
7. In the background of the findings as mentioned above, the Commission acknowledges the efforts taken by the then PIO and the present PIO to furnish the information, during the present proceeding. Thus, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa bench in Shri. A. A. Parulekar v/s Goa State Information Commission and Public Authority, office of the Chief Engineer and Others v/s Shri. Yeshwant Tolio Sawant, the Commission concludes that there is no need to consider prayers of the complainant to initiate penal action under Section 20 of the Act against the PIO.
8. In the light of above discussion, the Commission concludes that no relief can be granted to the complainant. Hence, the present complaint is disposed as dismissed 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