

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Penalty No. 11/2023
in
Complaint No. 35/2022/SCIC**

Shri. Mahadev N. Naik,
House No. 68, Matvem,
Dabolim, Post-Chicalim,
403711.

.....Complainant

V/S

State Public Information Officer (SPIO),
Office of the Mormugao Municipal Council,
Vasco-da-Gama, Goa 403802.

.....Opponent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 13/04/2023

Decided on: 23/06/2023

ORDER

1. While disposing the complaint bearing No. 35/2022/SCIC, the Commission vide its Order dated 02/03/2023, directed the Public Information Officer (PIO), Mormugao Municipal Council, Vasco-da-Gama, Goa to provide the information to the Complainant as per his RTI application dated 28/07/2022 within the period of fifteen days.
2. The Commission also directed to issue show cause to the said PIO, as to why penalty should not be imposed on him in terms of Section 20(1) of the Act and/or to recommend disciplinary action against him in terms of Section 20(2) of the Act.
3. Pursuant to the notice, the PIO, Mr. Agostino Mesquita appeared and filed his reply on 13/04/2023. Through his reply he contended that, initially the staff of the Mormugao Municipal Council was under impression that the reply was already forwarded to the Department of Urban Development by the Chief Officer of Mormugao Municipal Council and as such the staff of MMC

collected an amount of Rs. 2/- as a fee from the Complainant. However, as no letter was actually forwarded by the Chief Officer of MMC to the Department of Urban Development, no such information was available in the concerned file and as such he could not provide the information to the Complainant. He further submitted that, the issue on which the information sought by the Complainant was sub-judice and now it is pending before the Hon'ble Supreme Court for adjudication. The Commission therefore, directed the PIO to produce on record the details of the case and matter was posted for clarification.

4. In the course of hearing on 23/06/2023, the PIO Mr. Agostino Misquita appeared and furnished on record the copy of the judgement of High Court of Bombay at Goa in Writ Petition No. 463 and 464 of 2016 dated 18/01/2017 and order of Hon'ble Supreme Court in the SLP (c) no. 22001 and 22002 of 2018. The representative of the Complainant, Shri. Pratap Mardolkar upon scrutinising the documents submitted that he is satisfied with the reply of the PIO and he does not want to proceed with the matter.
5. He also made endorsed on the show cause notice that "I don't want to proceed with the matter." In view of the endorsement made by the representative of the Complainant, the matter is disposed off and the show cause notice dated 13/03/2023 issued in the present penalty proceeding against the PIO is dropped.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner