

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Penalty No. 42/2023

In

Appeal No. 328/2022/SIC

Mr. Amresh Vasudev Naik,
H.No. 528, Belwada, Poriem,
Sattari-Goa 403505.

-----Appellant

v/s

1. The Public Information Officer,
The office of Deputy Collector & SDM of Sattari,
Valpoi Goa 403506.

2. The First Appellate Authority,
Deputy Collector & SDM of Sattari,
Valpoi Goa 403506.

-----Respondents

Relevant dates emerging from penalty proceeding:

Order passed in Appeal No. 328/2022/SIC	: 24/07/2023
Show cause notice issued to PIO	: 14/08/2023
Beginning of penalty proceeding	: 28/08/2023
Decided on	: 25/09/2023

ORDER

1. The penalty proceeding against Respondent Public Information Officer (PIO), Shri. Gaurish Kamat Mhamai, Awal Karkun, Office of the Deputy Collector & SDM of Sattari has been initiated vide showcause notice dated 14/08/2023, issued under Section 20(1) and/or 20(2) of the Right to Information Act, 2005 (hereinafter referred to as the “Act”), for not furnishing complete information to the appellant as required under Section 7 (1) of the Act.
2. The Commission while disposing the Appeal filed by the appellant, Shri. Amresh Vasudev Naik, under No. 328/2022/SIC, vide order dated 24/07/2023 had held the PIO guilty of not furnishing the remaining information inspite of his undertaking given before the authority during the appeal proceeding. Accordingly, show cause notice was issued to the PIO directing him to submit written reply stating as to why penalty under Section 20 (1) and /or 20 (2) should not be imposed against him.

3. The penalty proceeding was initiated against Shri. Gaurish Kamat Mhamai, respondent PIO. The PIO appeared and filed reply dated 28/08/2023 alongwith enclosures containing remaining information.
4. PIO stated that, he apologises for not been able to reply to the appellant within the stipulated period of 30 days from receipt of the application. However, later he had kept the information ready, which was collected by the appellant. Subsequently, as per the direction of the Commission he has furnished copy of action taken report, as available in his custody. The PIO further stated that all the available information has been furnished and no information was denied with any malafide intention.
5. Upon perusal of the records of this matter it is seen that, the PIO was directed by the Commission to furnish the remaining information, i.e. copy of action taken report and copy of compliance report as sought by the appellant. It is noted that the PIO had furnished part information, before and during the appeal proceeding. Now, during the penalty proceeding the PIO has produced record of submission of action taken report and compliance report to the appellant. Thus, the Commission holds that the eligible information has been furnished to the appellant.
6. Although the PIO had not responded to the application within the stipulated period, it is seen that the PIO subsequently co-operated with the appellant to ensure that all available information is furnished. Thus, no malafide intention on the part of the PIO was noticed.
7. Thus, subscribing to the ratio laid down by the Hon'ble High Court of Bombay at Goa in A. A. Parulekar v/s. Goa State Information Commission (W.P. No. 205/2007) and Shri. Shivanand Salekar and others v/s. The Goa State Information Commission (W.P. No. 488 of 2011) as well as in Public Authority and Others v/s. Shri. Yeshwant Tolio Sawant (W.P. No. 704 of 2012), the Commission holds that there is no sufficient grounds to impose penalty on the respondent PIO. Thus, it is concluded that the show cause notice issued against the respondent needs to be withdrawn.
8. In the background of the above mentioned facts and findings, the show cause notice issued against Shri. Gaurish Kamat Mhamai, PIO stands withdrawn and the penalty proceeding is dropped. The matter is disposed and the proceeding is 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