

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 62/2022/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	: 19/10/2021
PIO replied on	: Nil
First appeal filed on	: 22/11/2021
First Appellate Authority order passed on	: Nil
Second appeal received on	: 11/02/2022
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 11/02/2022.
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. Shri. Prashant Narvekar, PIO, Technical Section appeared in person and filed reply dated 14/09/2022. Shri. Abhay Rane, PIO, Taxation Section appeared and filed compliance report on 11/10/2022. Smt. Pallavi Dicholkar appeared on behalf of the FAA and filed reply dated 06/07/2022.

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. Shri. Prashant Narvekar further stated that, the information sought with respect to point no. 1 and 2 is not available in the Technical Section, as such the said information cannot be furnished. Further, information on point no. 3 is as per the notings on the letter dated 27/09/2021 issued by Shri. Deepesh N. Priolkar, Deputy Director, Department of Urban Development, to the Chief Officer, Mapusa Municipal Council, of which copy is submitted before the Commission and to the appellant.
5. Shri. Abhay Rane, PIO, Taxation Section vide compliance report filed on 11/10/2022 stated that, information on point no. 1 of the application pertains to his section and the same has been furnished, which was acknowledged by the appellant on 22/09/2022.
6. Upon perusal of the records it is seen that, the appellant vide application dated 19/10/2021 had sought information on three points and the said application was not responded by the then PIO Shri. Vyankatesh Sawant, within the stipulated period. Similarly, first appeal was not decided by the FAA. Simultaneously, PIO, Technical Section Shri. Vyankatesh Sawant was transferred and Shri. Prashant Narvekar took over as PIO, Technical Section.
7. Upon taking over charge Shri. Prashant Narvekar appeared before the Commission and filed reply dated 14/09/2022. However, the Commission finds that the PIO has not furnished information to the appellant. Information sought on point no. 2 and 3 pertains to Technical Section and the same is required to be available in the records, yet Shri. Vyankatesh Sawant, during the stipulated period and Shri. Prashant Narvekar during the proceeding before the Commission, evaded the disclosure of information on point no. 2 and 3. On the contrary, Shri. Abhay Rane, PIO, Taxation Section after taking over charge, furnished information on point no. 1, which pertains to his section.
8. The Commission notes with all the seriousness that Shri. Vyankatesh Sawant, the then PIO, who failed to furnish the information within the stipulated period, never appeared before the Commission. Later, on 14/09/2022, Shri. Prashant Narvekar appeared and filed reply. The said reply was not satisfactory, hence, the Commission wanted the PIO to appear and clarify. However, Shri. Prashant Narvekar

failed to appear inspite of notice dated 02/12/2022 issued to him for appearance and reply.

9. With the above –mentioned observations, the Commission finds that PIOs Shri. Vyankatesh Sawant and Shri. Prashant Narvekar have failed to furnish the required information and the said failure amounts to contravention of Section 7 (1) of the Act. Such a careless attitude of these PIOs compelled the appellant to appear before the Commission to seek the information. Even more serious fact is that, both these officers have refused to appear before the Commission inspite of issuance of notice to both of them. Such an adamant and non-cooperative conduct of the PIOs needs to be condemned and punished. The Commission therefore, concludes that Shri. Vyankatesh Sawant and Shri. Prashant Narvekar are guilty of contravention of Section 7 (1) of the Act and also guilty of not honouring the direction of the Commission. Thus, these officers deserves to be punished under Section 20 of the Act. However, before imposing such penalty, an opportunity needs to be given to the PIOs to explain their action.
10. In the light of above discussion the present appeal is disposed with the following order:-
 - a) The present PIO is directed to furnish the information on point no. 2 and 3 sought by the appellant vide application dated 19/10/2021, within 20 days from the receipt of the order, free of cost.
 - b) Issue notice to Shri. Vyankatesh Sawant, the then PIO and Shri. Prashant Narvekar, former PIO, Mapusa Municipal Council, and the PIOs are further directed to show cause as to why penalty as provided under Section 20 (1) of the Act, should not be imposed against them.
 - c) In case the PIOs to whom the notice is issued are transferred, the present PIO shall serve this notice alongwith the order to the then PIO/ and former PIO and produce the acknowledgement before the Commission on or before the next date of hearing, alongwith the present address of the then / former PIO.
 - d) Shri. Vyankatesh Sawant, PIO and Shri. Prashant Narvekar, PIO are hereby directed to remain present before the Commission on 03/04/2023 at 10.30 a.m. alongwith the reply to the showcause notice.
 - e) The Registry is directed to initiate penalty proceeding against the PIOs.

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