

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. 36/2023/SIC

Shri. Sebastiao R. Gomes,
H. No. 681, Vidyanagar,
Margao-Goa 403601.

-----Complainant

v/s

1. Shri. Premanand Kalshaokar/ Public Information Officer,
Directorate of Mines and Geology,
Institute of Menezes Braganza,
Panaji-Goa 403001.

2. Shri. Abhir Hede/First Appellate Authority,
Directorate of Mines and Geology,
Institute of Menezes Braganza,
Panaji-Goa 403001.

-----Opponents

Relevant dates emerging from appeal:

RTI application filed on	: 08/03/2022
PIO replied on	: 31/03/2022
First appeal filed on	: 20/04/2022
First Appellate Authority order passed on	: 24/05/2022
Second appeal received on	: 17/06/2022
Second appeal disposed on	: 13/02/2023
Complaint received on	: 15/09/2023
Decided on	: 18/12/2023

ORDER

1. The complainant under Section 18 of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') has filed this complaint against Opponent No. 1, Shri. Premanand Kalshaokar, Public Information Officer (PIO) and Opponent No. 2, First Appellate Authority (FAA), which came before the Commission on 15/09/2023.
2. The brief facts of the present case, as contended by the complainant are that, being aggrieved by the reply of the PIO, he filed first appeal, which was disposed by the FAA as dismissed. Further, the complainant preferred second appeal. The Commission after hearing both the sides disposed the appeal with direction to the PIO to search and furnish the information within 20 days. The Commission directed the Director of Mines and Geology to conduct an enquiry if the said information is not traceable, and submit copy of the enquiry report.

3. It is the contention of the complainant that, the information was not traced and furnished to him, nor he received any enquiry report from the Director of Mines and Geology, resulting into non compliance of the direction of the Commission. Thus, he has appeared before the Commission by way of the present complaint, praying for imposing of penalty against persons responsible for the delay.
4. The concerned parties were notified, pursuant to which, PIO appeared in person and filed reply dated 10/11/2023. Complainant appeared and filed submission on 07/12/2023.
5. PIO stated that, the Director of Mines and Geology has complied with the direction by conducting an enquiry and the enquiry report, enclosed alongwith the reply has been furnished before the Commission. In view of the said report the instant complaint may be disposed.
6. Complainant submitted that, with regards to the order dated 09/01/2023, passed by the Commission, the PIO has failed to trace the information sought by him. Further, the Directorate of Mines and Geology has failed to conduct and complete enquiry within 120 days. Hence, the complainant requests the Commission to imposed penalty on responsible person. Also, the complainant submitted that, he had not received the said enquiry report.
7. Upon perusal of the records, it is seen that, the grievance of the complainant pertains to search of the concerned information and non receipt of the enquiry report. Here, the Commission notes that, vide order dated 13/02/2023 PIO was directed to undertake thorough search, trace the records and furnish the requested information. Further, in case the relevant information is not traced within 20 days then the Director of Mines and Geology was directed to conduct appropriate enquiry into the issue of the said information being not traceable in the office of the PIO.
8. The Commission observes from the records of the present complaint proceeding that the PIO could not trace the requested information even after thorough search. Later, Dr. S. Shanbhogue, Director of Mines and Geology vide notice dated 27/06/2023 noted that the requested information could not be traced in the records by the PIO, meaning the same is not traceable in the records of Directorate of Mines and Geology. Dr. S. Shanbhogue, further directed Shri. Baban Gaonkar, Head Clerk to collect and hand over the original inward Register for the period 01/03/2012 to 30/06/2012 in original.

9. Dr. S. Shanbhogue in his report dated 25/09/2023 filed by the PIO before the Commission on 11/10/2023 has stated that, "the subject circular dated 30/03/2012 was not inwards in this Directorate. However, it is noted that the PIO has obtained the circular form G.A.D. and furnished the same to the applicants and also the Hon. Commission. As a copy of the circular is now provided by the PIO, Hon'ble Commission may please conclude the matter".
10. With respect to the report of the Director of Mines and Geology as mentioned in Para 9, the Commission finds that the directions issued by the Commission vide order dated 09/01/2023 are complied by the PIO and the Director of Mines and Geology. The enquiry report was submitted after the expiry of 120 days, however the delay being marginal is condoned. Hence, nothing survives in the present complaint and the matter needs to be disposed accordingly.
11. In the light of the above discussion, the instant 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.