

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 136/2023/SIC

Shamir J. Coutinho,
H. No. 50, Finguembatt, Mercedes,
Tiswadi-Goa 403005

-----Appellant

v/s

1. The First Appellate Authority,
Office of the Mamlatdar, Tiswadi Taluka,
Panaji-Goa 403001.

2. The Public Information Officer,
Office of the Mamlatdar, Tiswadi Taluka,
Panaji-Goa 403001.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 02/11/2022
PIO replied on	: 28/12/2022
First appeal filed on	: 21/12/2022
First Appellate Authority order passed on	: 22/02/2023
Second appeal received on	: 10/04/2023
Decided on	: 22/02/2024

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, First Appellate Authority (FAA) and Respondent No. 2, Public Information Officer (PIO), which came before the Commission on 10/04/2023.
2. The brief facts of this appeal as contended by the appellant are that, he had sought information on four points, whereas, PIO furnished information only on point no. 1 and 3 and with respect to point no. 2 and 4, requested the appellant to inspect the files. Being aggrieved by the said action of the PIO, the appellant filed first appeal before the FAA. Upon hearing both the sides, first appeal was dismissed by the FAA. It is the contention of the appellant that he has now appeared before the Commission by way of second appeal, praying for complete information.
3. Notice was issued to the concerned parties, pursuant to which, Smt. Anusha Gaonkar, PIO appeared alongwith Smt. Fatima Figueiredo, APIO and filed reply dated 26/06/2023 and 13/07/2023. PIO filed

additional reply on 05/09/2023 and 30/10/2023, and affidavit was filed on behalf of the PIO on 05/01/2024. FAA appeared in person and stated that, he had disposed the first appeal on merit, as provided by law. Appellant appeared alongwith Advocate Arjun F. Naik and Advocate Sneha D. Shetye. Advocate Arjun F. Naik argued on behalf of the appellant on 13/02/2024.

4. PIO stated that, upon receipt of the application she has requested dealing hand of the Tenant Association to provide the information. Since reply and information was received from the dealing hand late, after the expiry of the stipulated period, her reply and furnishing of information on point no. 1 and 3 was delayed. However, the information was not denied, nor the delay was intentional.
5. PIO further submitted that, information sought on point no. 2 and 4 was bulky in nature and required compilation from 41 files. Hence, she requested the appellant to inspect the relevant files and identify the desired information. However, the appellant refused to inspect the files. PIO further stated that, later, during the present proceeding, PIO, as per the direction of the Commission provided inspection and furnished the information as identified by the appellant.
6. PIO, vide affidavit filed before the Commission on 05/01/2024 submitted that, she has furnished the information with respect to point no. 2 and 4 which was available in her office records, to the appellant, through Registered Post on 06/09/2023 and the same has been received by the appellant.
7. Advocate Arjun F. Naik, while arguing on behalf of the appellant stated that, the appellant is mainly aggrieved on two points. One- only part information was furnished by the PIO, and two – the PIO instead of furnishing complete information, asked the appellant to inspect the files, which was not requested by the appellant. Hence, remaining information sought by the appellant be furnished to him.
8. Upon perusal of the records of the present matter, as available before the Commission, it is seen that, the appellant had requested for information on four points and since the said information pertained to all the Tenant Associations in Tiswadi Taluka, PIO requested the dealing hand of Tenant Association section to provide the information. The reply was delayed beyond the stipulated period of 30 days, however, there is no intentional delay seen in the process

as the dealing hand took time to search the information. Upon search, information on point no. 1 and 3 was furnished by the PIO.

9. With respect to the information on point no. 2 and 4, the PIO requested the appellant to inspect the relevant files and identify the information. It is seen that the appellant under point no. 2 and 4 has requested for list of Tenant Associations which are active, their present committee members and list of Tenant Association which are run by administrators, with names of administrators. It is a clear fact that the said information may not be readily available in the records of the PIO. According to the PIO, the said information is scattered in 41 Tenant Association files and it is very difficult for her to compile and collate the said information in order to provide the same to the appellant, thus she requested the appellant to inspect and identify the information. Here, the Commission finds that the PIO did not fault on requesting the appellant to inspect the files. Similarly, it is noted that the PIO had not denied the information.
10. Appellant has produced on record Memorandum dated 25/06/2020 issued by the then Mamlatdar to the Tenant Association of Tiswadi Taluka, directing them to submit some details of their respective Tenant Association. It is the contention of the appellant that the office of the Mamlatdar should readily have the information sought by him on point no. 2 and 4, since the Mamlatdar had directed the Tenant Associations to submit the similar information. Here, it is noted that, though the appellant has relied on the said Memorandum, according to the PIO, Tenant Association had not furnished the information to the office of the Mamlatdar within the time frame, thus, the information on point no. 2 and 4 is not readily available in her records.
11. In the background of the facts as mentioned above, the Commission finds that, the PIO was correct in requesting the appellant to inspect the files with respect to information on point no. 2 and 4. Although the appellant refused to inspect the files initially, later, during the present appeal proceeding, visited PIO's office in order to inspect the files pertaining to Tenant Associations. However, it is seen from the records that, he inspected only eight files and did not complete the inspection of remaining files. Accordingly, PIO has furnished the information identified by the appellant, by Registered Post and the same has been received by the appellant.
12. Hence, the Commission finds that, the PIO has already furnished the information as available in her records. The appellant has shown no

interest to inspect and identify the remaining information. Thus, the appellant deserves no relief and the appeal needs to be disposed accordingly.

13. In the light of the above discussion, the Commission concludes that, the present appeal is bereft of merit, hence, the same is disposed as dismissed.

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.