

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

Appeal No. 248/2023/SIC

Shri. Jawaharlal T. Shetye,
H. No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa 403507.

-----Appellant

v/s

1. The Public Information Officer/Head Clerk,
Rajendra Bagkar,
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 10/04/2023
PIO replied on	: Nil
First appeal filed on	: 15/05/2023
First Appellate Authority order passed on	: Nil
Second appeal received on	: 11/07/2023
Decided on	: 22/02/2024

ORDER

1. Being aggrieved by non-furnishing of the information by Respondent No. 1, Public Information Officer (PIO), and non disposal of first appeal by Respondent No. 2, First Appellate Authority (FAA), the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') has filed the present second appeal against both the respondents, which came before the Commission on 11/07/2023.
2. It is the contention of the appellant that, his application was not responded by the PIO within the stipulated period, hence he preferred first appeal before the FAA. Further, FAA issued notice for hearing, however did not decide the appeal within the mandatory period. Thus, the appellant has appeared before the Commission by way of second appeal.
3. The concerned parties were notified, pursuant to which, Shri. Niles Lingudkar, present PIO and Shri. Rajendra Bagkar, the then PIO appeared in person and apologized for the failure in furnishing the

information to the appellant. Further, both the PIOs undertook to abide by the directions of the Commission and filed submission dated 22/02/2024.

4. Upon perusal, it is seen that, the information sought by the appellant pertains to the affairs of Mapusa Municipal Council, public authority in the instant case. Meaning, the information has to be available in the records of the PIO. Similarly, PIO has not claimed exemption from disclosure under Section 8 (1) or 9 of the Act. Thus, the Commission finds that, the PIO is required to furnish the said information to the appellant.
5. Before closing, PIO and FAA are warned to comply with the provisions of the Act, hereafter. Both these officers are reminded that they are mandated to perform their duties as provided by law and non performance is treated as dereliction of duty.
6. In the background of the above mentioned facts and findings, the present appeal is disposed with the following order:-
 - (a) PIO is directed to furnish the information sought by the appellant vide application dated 10/04/2023 within 07 days from receipt of this order, free of cost.
 - (b) PIO is directed to file compliance report before the Commission within 10 days from receipt of this order.
 - (c) All other prayers are rejected.

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.

