

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. 394/2023/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 (Mr. Nilesh Lingudkar),
Mapusa Municipal Council,
Mapusa-Goa 403507.

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

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 26/07/2023
PIO replied on	: Nil
First appeal filed on	: 30/08/2023
First Appellate Authority order passed on	: 04/10/2023
Second appeal received on	: 30/10/2023
Decided on	: 22/02/2024

ORDER

1. Being aggrieved by non-furnishing of the information by Respondent No. 1, Public Information Officer (PIO), inspite of direction 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 30/10/2023.
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. FAA, while disposing the appeal, directed PIO to furnish the information within a week. Appellant contends that, the PIO took no effort to comply with the said order. Thus, he has appeared before the Commission by way of second appeal.
3. The concerned parties were notified, pursuant to which, Shri. Nilesh Lingudkar, PIO appeared in person and undertook to furnish the information to the appellant. Submission from PIO was received in

the entry registry dated 12/02/2024. Appellant appeared and prayed for the information.

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. The Commission notes that, the PIO, vide submission dated 09/02/2024 received in the entry registry on 12/02/2024 has furnished information alongwith a cover note. However, the PIO has to furnish the said information to the appellant.
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 26/07/2023 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 others 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.

