

GOA STATE INFORMATION COMMISSION
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Appeal No. 364/2023/SIC

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

.....Appellant

V/S

1.The Public Information officer,
Mapusa Municipal Council,
Mapusa, Bardez-Goa 403507.

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

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 10/10/2023
Disposed on: 18/02/2025
Detailed order passed on: 16/03/2026

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 19/06/2023 made by the Appellant, Shri. Jawaharlal T. Shetye and addressed to the Public Information Officer(PIO) of Mapusa Municipal Council.
2. It is contended by the Appellant herein, that the PIO did not issue any communication to the said RTI application with stipulated time period of 30 days upon which the Appellant had to preferred first appeal dated 02/08/2023 before the competent authority.
3. The First Appellate Authority has till date not decided the matter and as such the Appellant herein had to prefer second

appeal before this authority by way of appeal memo dated 10/10/2023. Thereafter notices were issued and matter came up to be heard from 21/12/2023 onwards.

4. Matter could not be heard between February 2024 to September 2024 due to former SIC demitting the office and hearings resumed from September 2024 onwards.
5. During the hearing on 14/01/2025, the Commissioner issued show cause notice to the Respondent as well as Appellant on the ground that on the request of the Appellant, matters filed by him were clubbed together and were supposed to be heard extensively on the common date but neither the Appellant nor the Respondent appeared.
6. On hearing dated 18/02/2025, both the parties filed their reply to the show cause notice and the same was dropped by the Commissioner.
7. The PIO vide reply dated 17/02/2025, contended that, the RTI application filed by the Appellant pertains to Engineering Section and the same was transferred under Section 5(5) of the RTI Act to the concerned PIO.
8. Upon perusal of appeal memo, reply of the Respondent and all other materials on records, this Commission is of the considered opinion as under:-
 - a. The PIO has grossly failed to discharge his duty under the RTI Act by way of not replying to the RTI application within the stipulated time period of 30 days.
 - b. The First Appellate Authority (FAA) has shown gross negligence by way of not deciding the first appeal till date.

- c. The Appellant also has not preferred to remain present for hearings on last 9 occasions before this Commission which in the opinion of this Commission has deprived him of his own rights to put forth his contention in this matter.
9. In view of the above, the present second appeal is disposed off with following order:-
- a. The present appeal is upheld.
- b. The PIO, Engineering Section is hereby directed to furnish the information as per the RTI application of the Appellant within 10 days free of cost from the receipt of this Order.
- c. Registry to issue show cause notice to the present PIO, Engineering Section Mapusa Municipal Council seeking clarification as to why no action should be initiated in terms of Sec 20(1) and 20(2) of the RTI Act for not replying the RTI application within the prescribed time limit of 30 days. Reply to be filed on **07/04/2026 at 11.00 am** by remaining present in person before this Commission.
- No order as to cost.
 - Parties to be provided authenticated copies of the order.
 - 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/-

(ATMARAM R. BARVE)

State Information Commissioner