

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Appeal No. 61/SCIC/2010

Shri Prasad Pandurang Teli,
Shop No. 1, Municipal Market,
Building No. 2,
Valpoi - Goa

.... Appellant

V/s.

Public Information Officer,
Chief Officer,
Valpoi Municipal Council,
Municipal Office Building,
Valpoi,
Sattari - Goa

.... Respondent .

Appellant absent.

Adv. Shri A. Ghatwal for Respondent.

J U D G M E N T
(29.08.2011)

1. The Appellant, Shri Prasad Pandurang Teli, has filed the present Appeal praying that information as sought be furnished to him; for time bound inquiry of Respondent's claim that records are not available; that fresh date for inspection be given and that penalties be imposed.

2. The brief facts leading to the present Appeal are as under:-

That the Appellant, vide application dated 03.08.2009 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(PIO)/Respondent. That aggrieved by the incomplete, misleading and false information given by reply dated 04.09.2009 and non-giving of some particulars, the Appellant preferred the Appeal before the First Appellate Authority (F.A.A.). By Order dated 07.01.2010 the F.A.A. allowed the request directing to make available detailed information to all 19 issues raised by the Appellant and also allow the Appellant to inspect the files within a period of 15 days. Having found that the information is being denied the Appellant has preferred the present Appeal on the grounds as set out in the Memo of Appeal.

3. The Respondent resists the Appeal and the reply is on record. The case of the Respondent is fully set out in the reply. In short it is the case of the Respondent that application seeking information was received. That by reply dated 01.09.2009 the Appellant was informed to collect the information but the Appellant did not turn up. Again letter dated 04.09.2009 was sent and inspection also was offered. However he did not turn up instead preferred First Appeal. In short, according to the Respondent information was furnished. However it was the Appellant who received late. The detail reply running into 12 paragraphs is on record.

4. Affidavit of Shri Bhanudas V. Nak, P.I.O. is on record; Affidavit in Rejoinder of Appellant and sub-rejoinder by Respondent is also on record.

5. Written arguments filed by both the parties are also on record. Oral arguments were also heard.

6. On 29.08.2011 i.e. today, Respondent has filed an application alongwith the copy of order dated 24.03.2011 of the Hon'ble High Court of Judicature at Bombay in Writ Petition No. 84/2011.

7. Prior to 29.08.2011 Adv. Shri Sonak appeared and on contacting the Appellant he submitted that he wants to withdraw the Appeal.

8. Today, during arguments, Adv. Shri Ghatwal also submitted about withdrawal of Appeal.

9. In any case records also show that information was furnished. The contention of the Appellant was the information was incomplete and misleading. Irrespective of the same since the Appellant wants to withdraw the Appeal he should be permitted to do so.

Hence, I pass the following Order:-

ORDER

No intervention of this Commission is required. The Appeal is disposed off as withdrawn.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 29th day of August, 2011.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

