

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal No. 116/SIC/2014**

Shri Franky Monteiro,  
H.No. 501, Devote,  
Loutolim, Salcete Goa .

..... Appellant

**V/s.**

1. The Public Information Officer, (PIO)  
The Dy. Director of Panchayats, North,  
3<sup>rd</sup> floor, Junta House,  
Panaji Goa.

2. The First Appellate Authority,  
The Director of Panchayats,  
3<sup>rd</sup> floor, junta House, panaji Goa.

..... Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 07/11/2014**

**Decided on: 28/12/2016**

**ORDER**

1. Brief facts of the case are that the appellant Shri Franky Monteiro through his application dated 20/5/14 under section 6(1) of the Right to Information Act sought certain information in respect of Point No. 1 to 5 with the PIO office of Directorate of Trade and Industries. The PIO Directorate of Trade and Industries transferred the said application of the appellant to the Respondent No. 1 PIO, Dy. Director of Panchayat North u/s 6(3) of the right to Information Act requesting to furnish information directly to the appellant.

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2. The respondent No. 1 PIO vide his letter dated 12/6/14 furnish the information to the appellant .Being not satisfied with the information furnished to him, he preferred first appeal u/s 19(1) before the before Director of Panchayat being First appellate authority on 26/6/14 and the Respondent No. 2 FAA by an order dated 12/8/14 disposed the first appeal with the direction to provide the information to the appellant whatever is held by him or an alternative refer the same under provision of section 6 of (3) the Right to information Act to the Authority, who is opinion of the PIO/Respondent holding the same.
3. Since no order of first appellate was complied by the Respondent No.1 PIO herein and being aggrieved by the action of respondent No. 1 PIO, the present second appeal came to be filed before this commission on 7/11/14 praying for the direction to provide the requisite information as sought by him vide his application dated 20/5/14 and for invoking penal section as contemplated u/s 20(1)u/s20(2) so also for compensation interms of section 19(8) (VI)(C)
4. After notifying the parties the matter was listed on board and was taken up for hearing. Appellant despite of due service remained absent Respondent No.1 PIO was represented by APIO Shri K.D. Halarnkar . Reply came to be filed on behalf of respondent No. 1 on 21/3/16. Respondent No. 2 also filed reply on 12/4/16.

During the hearing the representative of Respondent No. 1 Shri K.D. Halarnker submitted as per the direction information is already furnished to the appellant by registered A.D. and sought lieu to produce on record the acknowledgement cards of the appellant of having to received the information. He further submitted that the date of hearing of 26/10/16 was intimated to the appellant in the forwarding letter by which the information was furnished .

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5. An opportunity was given to the appellant as well as Respondent FAA to substantiate their case. However since the parties failed to appear and as no compliance report and postal acknowledgement cards was placed on record by the Respondent No. 1 PIO, and as the matter being old the commission decided to disposed the appeal on merits based on the records .
6. The PIO/Respondent No. 1 has not specified the mode by which the said information was furnished to Appellant or produced any acknowledgment on record of having received the required information by the Appellant. In the absence of any such acknowledgement, Commission is reluncted to believe and consider the plea taken by the Respondent No. 1, PIO.
7. With regards to other prayers the appellant did not appear before this commission to substantiate his case as against both the Respondents. It appears that he is not interested in pursuing the Appeal, as such for want of sufficient proof that information malafied denied by Respondent PIO this commission is declined to grant any relief as prayed by the appellant at prayer ( c), (d), and (e).

In the above given circumstances following order is passed.

#### Order

The Appeal is partly allowed. The PIO, shall furnish to the appellant. the entire information as sought for by the Appellant vide his application, dated 20/5/14 within fifteen days from the date of receipt of this Order. The information shall be sent by Registered Post A.D. free of cost. The acknowledgement so received after service shall be produced before this Commission.

Appeal dispose of accordingly proceeding closed.

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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 under the Right to Information Act 2005.

Sd/-  
**(MsPratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa