

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

**CORAM: Shri Juino De Souza State Information Commissioner**

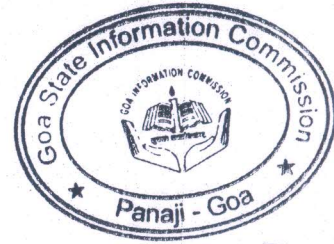
**Appeal No. 192/SCIC/2012**

Santan Khazan Tenants Association  
Santan, Talaulim  
Tiswadi- Goa.

..... Appellant

**v/s**

1. Edwin Rodrigues  
R/o Curca, Canturim, Tiswadi  
P.O. Goa Velha, Goa.
2. The Public Information Officer (PIO)  
Mamlatdar of Tiswadi  
Panaji, Goa.



..... Respondent

**Relevant emerging dates:**

Date of Hearing : 07-06-2016

Date of Decision : 07-06-2016

**ORDER**

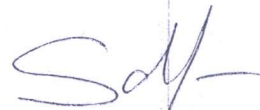
1. The brief facts of the case are that the Appellant is a Tenants' Association registered in the Office of the Mamlatdar of Tiswadi under the GDD Tenancy (Discharge of Joint Responsibility Of Tenants) Rules, 1975. It is the case of the Appellant that the Respondent No.1 Shri. Edwin Rodrigues (original information seeker) had sought certain information vide his application 09/07/2012 from the Respondent No.2 PIO, Mamlatdar of Tiswadi on 20 different points.
2. On scrutiny of the file it is observed that the Respondent No.2 PIO, Mamlatdar of Tiswadi directed the Appellant herein to provide the information to the RTI Applicant and accordingly the Appellant has furnished information sought under items no. 6, 14, 19 and 20 however with regard to information in item Nos. 1-5, 7-13, 15, 16, 17 the Respondent No. 1 had asked questions and expected answers from the Appellant and hence were answered accordingly by the Appellant vide his reply dated 18/08/2012.
3. The Respondent No.1 who was the original information seeker not being satisfied with the reply of the Appellant and therefore preferred a First Appeal before the FAA and the FAA vide Order dated 02/11/2012 directed the Appellant herein who was Respondent No.2 in the First Appeal therein to provide the information as regards Nos. 1-5, 7-13, 15, 16, 17 to Respondent No.1 herein and who was the Appellant in the first appeal therein within 15 days of the Order.

4. Being aggrieved with the order of the FAA, the Appellant has come before the Commission in a Second Appeal on 22/11/2012. During the hearing, the Appellant Santan Khazan Tenants Association is represented by Shri. Kusta Vernekar, Chairman. Respondent No.1 Edwin Rodrigues is absent, Respondent No 2. PIO is also absent.
5. The Appellant submits that he has already furnished the information to Respondent No.1 vide letter dated 18/08/2012. The Appellant prays before the Commission that the Order of the FAA be set aside on the grounds that the Order is beyond the scope and ambit of powers under Section 19.
6. The Commission notes that the Appellant herein 'Santan Khazan Tenants Association' is a private organization consisting of an association of persons of which the Appellant is merely the Chairman and hence this association does not come under the purview of a Public Authority, also this body is neither a Citizen of India nor is the original RTI applicant seeking information under RTI Act and as such has no locus standi to file the second appeal u/s 19(3) of RTI act.
7. The opening line of section 19(3) is crystal clear that it refers to a second appeal and not a fresh appeal against a decision made u/s. 19(1). In other words, an appeal may be submitted against the FAA's order by the aggrieved RTI Applicant or an aggrieved third party and it is not open for any other person to approach the concerned Information Commission challenging the order of the FAA.
8. The statute confers the right of appeal to be exercised only by a person who is aggrieved by reason of refusal to be furnished with the information. Section 19 is an appellate procedure and a person who is aggrieved by refusal in receiving the information which he has sought for can only seek redress in the manner provided in the statute, namely, by following the procedure under Section 19.
9. Therefore in my considered opinion, the Appellant which is a tenants association has neither been refused information nor has made any application seeking information under section 6 of RTI Act, as such the Appellant does not have any right of second appeal u/s.19 (3). The right of Second Appeal in this case if any would lie with the information seeker Shri. Edwin Rodrigues who is the Respondent No.2 herein and who had filed a First appeal and not the appellant.

10. No doubt the information seeker Shri. Edwin Rodrigues (the Respondent No.2 herein) who had filed the RTI application had sought information which was held by the Appellant Santan Khazan Tenants Association which was under the control of the PIO, Mamalatdar of Tiswadi. However it was the duty of the PIO to collect the information from this private body under him and furnish the same to the information seeker. Nevertheless the Appellant had given Respondent No.2 herein a reply although not bound to do so.
11. The information seeker Shri. Edwin Rodrigues (the Respondent No.2 herein) had challenged FAA and the FAA vide his order directed the Respondent No.2 therein who is the Appellant herein to furnish information instead of directing the PIO, Mamalatdar of Tiswadi to collect the information from this private body under him and furnish the same to the information seeker which order is unsatisfactory.
12. In view of the foregoing, the Commission comes to the conclusion that as Appellant, Santan Tenants Association is not a 'Citizen of India' nor the original RTI applicant and therefore has no locus standi to file this Second appeal. The Second Appeal is not maintainable under Section 19(3) of the RTI Act, 2005 and accordingly stands dismissed.

All proceedings in the Appeal Case stand closed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the Order be given free of cost.



(Juino De Souza)  
State Information Commissioner