

**GOA STATE INFORMATION COMMISSION**

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

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**Appeal No.95 /SIC/2015**

Shri Rahul Basu,  
204, Nagali Hills,  
Donapaula Goa.

..... Appellant

**V/s.**

1 The Public Information Officer,(PIO)  
Directorate of Mines & Geology,  
Institute Menezes Branganza,  
Panaji Goa.

2.The First Appellate Authority,  
Directorate of Mines & Geology,  
Institute Menezes Branganza,  
Panaji Goa.

..... Respondents

**CORAM:**

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

**Filed on: 01/09/2015**

**Decided on:22/12/2016**

**ORDER**

1. By an application dated 13//3/2015 the appellant Shri Rahul Bassu sought from Respondent No. 1 / Public Information Officer of Directorate of Mines and Geology information at serial No. A to I in respect of mining list.
2. By reply dated 8/4/2015 denied the information and rejected the application on the ground that the said information pertain to third party and the third party objected the same to be furnished to the appellant on the pretext of the confidential and commercially sensitive in nature.

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3. The appellant aggrieved by the reply of respondent No. 1 PIO filed first appeal before the Director of Mines and Geology on 28/4/2016.
4. Since the Respondent NO. 2 FAA did not take up the first appeal for hearing and as failed to dispose the first appeal within a period of limitation as specified under the Right to information Act, being aggrieved by the action of both the Respondents here in, the present appeal came to be filed before this commission on 1/09/2015. In the said appeal before this commission the appellant have prayed for the directions to the Respondent No. 1 PIO to furnish the correct information free of cost and for Levying penalties as against both the respondent for refusing the said information.
5. In pursuant to the notice the appellant appeared only on initial hearing on 30/8/2016 Respondent No. 1 PIO represented by Neha Panvelkar and Respondent No. 2 represented by Shri Baban Gaonkar. The Respondent showed their willingness to provide the information at Point A to G of the application made u/s6(1) dated 13/3/2015. And submitted the other information at point H and I did not pertaining to their Department. This commission with the consent of the appellant then directed the Respondent PIO to furnish the information at Point A to G and to transfer the application to respective Department u/s6(1) of RTI Act in respect of point H and I.
6. Compliance report came to be filed by Respondent No. 1 PIO on 22/12/16 enclosing the forwarding letter dated 19/9/2016 addressed to the appellant by which the information came to be furnished to the appellant. She has also enclosed the Xerox copy of acknowledgment card bearing the signature of appellant and the copies of the document furnished to him. PIO was also enclosed a

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letter dated 1/9/16 addressed to the PIO of State registrar Cum-head of Notary services, Patto, panaji, Goa made u/s6(3) of the Right to Information Act 2005 . With a request to provide the information at point No. H and I .

The Respondent No. 2 FAA also filed a say on 22/12/2016.

7. the Respondent FAA have tried to explained the delay of disposal of first appeal . He has contended the delay caused as due to non processing of papers/communication by the dealing hand at the relevant point of time . and further submitted that there was no any malafides behinds it and it was not intentional and deliberate. The Respondent FAA also tender his unconditional apology to this commission and the appellant for the inconvenience cause to him and assured to disposed off such applications in future with due diligences and in time being manner. The Respondent further prayed for leniency.
8. Since the appellant have not appeared before this commission with any grievances with regards to information furnished to him, it shall be presumed the said information is as per his requirement an as per his satisfaction.
9. Since information is furnished to the appellant to his satisfaction during the hearing as such no intervention is required and hence prayer "a" become infructious. However the liberty is given to the appellant to seek additional information on the said subject matter if he so desire.
10. Considering the fact this is 1<sup>st</sup> of such lapse on the part of the Respondent FAA they are here by admonished and hence forth directed to be vigilant pertaining with such cases.

The appeal is disposed accordingly proceedings stands 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 against this order under the Right to Information Act 2005.

Pronounced in the open court.

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