

**GOA STATE INFORMATION COMMISSION AT PANAJI**

**Seventh Floor, Kamat Towers, Patto, Panaji –Goa.**

**CORAM: Shri. Prashant S. P. Tendolkar, State Chief  
Information Commissioner.**

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

**Appeal No.04/SCIC/2016**

Shri Sushant P. Nagvenkar,  
H.NO.C-312, Fondvem,  
Ribander-Goa.

... Appellant

**V/s**

1) The First Appellate Authority,  
O/o the Superintending Engineer,  
Circle –II (N), Vidyut Bhavan,  
Panaji-Goa.

2) The Public Information Officer,  
Electrical Division-I (O&M),  
Vidyut Bhavan,  
Panaji –Goa.

... Respondents

Filed on: 01/01/2016

Passed on:14/09/2016

**ORDER**

1) In this second appeal the appellant has a grievance that inspite of his application, dated 16/10/2015, filed under section 6(1) of the RTI Act 2005, the PIO failed to furnish the information, with an answer that the desired information is not maintainable as per the records.

The appellant being aggrieved filed First appeal to the Respondent No.1 who has failed to take cognizance of the same and has failed even to issue notice for hearing.

2) In this appeal the Appellant has prayed for the direction to Respondent No.1 i.e. First Appellate Authority (FAA) to hear the first

...2/-

appeal as also for strictures against Respondent NO.1 for failure to comply the provisions of the Act and also to require Respondent No.2, PIO to provide the information to him.

3) After issue of notice, PIO appeared and filed the reply. However, the FAA failed to appear inspite of notices. As it was the grievances of the Appellant that no action has been taken by the FAA and that such an inaction should be viewed seriously, this Commission issued notice to FAA, inspite of such notice no reply was filed by the FAA nor remained present before the Commission. In view of the absence of the FAA this Commission has no alternative than to believe in the appellant's version that the FAA failed to take up the first appeal for hearing and disposal within stipulated time.

4) The matter was taken up for arguments. In the course of arguments the PIO Mr. Edwin Miranda submitted that the information as sought for by the appellant vide his application, dated 16/10/2015 can be furnished if PIO is granted a week's time.

5) The appellant agreed for granting such time for furnishing the information. The appellant further submitted that if the information is furnished to him he is not interested in pressing for the penal action against the PIO. He further submitted that considering the approach of the FAA, he prays that appropriate order be passed and stern action be taken against the FAA.

6) Considering the above agreement and submissions, we dispose the present appeal and direct the PIO to furnish to the appellant the information as sought by him vide his application, dated 16/10/2015 on or before 27/09/2016.

7) As the FAA, who is the Respondent No.1 herein, has failed to comply with requirement, as contemplated under section 19(1) of the act thereby interfering with the administration of this Act, we

find it necessary to recommend disciplinary action against him as also to direct him to compensate the appellant.

8) We therefore direct the FAA the respondent No.1 herein to show cause as to why disciplinary action should not be recommended against him and/or direct him to compensate the appellant.

9) The reply, if any shall be filed before this Commission on 06/10/2016 at 10.30 am in person. Notice be served on the FAA through the Chief Electrical Engineer, Department of Electricity. Copies of this order be sent/served to the parties, free of cost.

Pronounced in the open court.

Appeal disposed accordingly.

Appeal stands closed.

**Sd/-**  
**(Prashant S. P. Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa

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

**PROCEEDING SHEET**

**GOA STATE INFORMATION COMMISSION AT PANAJI**

**Seventh Floor, Kamat Towers, Patto, Panaji –Goa.**

**Penalty case No.34/2016**

**In**

**Appeal No.04/SCIC/2016**

Shri Sushant P. Nagvenkar,  
H.NO.C-312, Fondvem,  
Ribander-Goa.

...

Appellant

**V/s**

1) The First Appellate Authority,  
O/o the Superintending Engineer,  
Circle –II (N), Vidyut Bhavan,  
Panaji-Goa.

...

Respondent