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

Shri Prashant S. P. Tendolkar
Chief Information Commissioner

Appeal No.06/SCIC/2016

Shri Rabindra A. L.Dias,
Dr. Pires Colony, Block "B",
Cujira St-Cruz, Tiswadi-Goa. … Appellant

V/s

1) The Public Information Officer,
O/o the Mamlatdar of Quepem,
Quepem –Goa. … Respondent No.1
2) The First appellate Authority,
The Dy. Collector & S.D.O.,
Quepem-Goa. … Respondent No.2

DATE: 27/7/2016

O R D E R

This order deals with the application, dated 06/01/2016 filed by the appellant seeking condonation of the delay caused in filing the present appeal.

1) The background leading to present appeal is that the appellant had filed an application on 18/12/2014 under section 6 of the Right to information Act 2005(Act) to the PIO i.e. the Respondent No.1 herein. As according to the appellant the the information was denied, the appellant moved the First Appellate Authority under section 19 (1) of the Act. The said first appeal was disposed on 15/6/2015 by the FAA and as per the proceeding sheet relied upon by the appellant the same was pronounced in the presence of the parties including the appellant herein.

…2/-

2) It appears that the appellant is aggrieved by the said order of the first appellate authority and has approached this Commission by way of second appeal under section 19(3) of the Act. This appeal is filed before this commission on 06/01/2016. The appeal is accompanied by an application for condonation of delay alongwith a copy of medical certificate from one Dr. Galiano Dos Reis Falcao. The said certificate certifies that the appellant was under his treatment from November 2015 and that he was advised rest and medications.

3) Section 19(3) of the act provides filing of the second appeal within 90 days from the date on which the decision was received.

Proviso to section 19(3) grants power to the Commission to admit the appeal after the expiry of period of 90 days on being satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

4) In the present case admittedly as per records the order of FAA was passed on 15/6/2015. The said order was pronounced in the presence of the appellant and is duly signed by the appellant on the same date. Thus for reckoning the period of limitation it starts on 16/06/2015 and 90 days expires on 16/09/2015 within which time the appeal was required to be filed. Any cause for delay during this period is required to be explained.

5) The appellant is seeking the condonation of delay due to his medical requirements from November 2015. The appellant no where has given any reason nor made out any grounds as to why he did not file the appeal during the period of 90 days i.e. upto 16/09/2015. The grounds if at all had accrued to him after said period.

...3/-

6) The cause for delay which occur only during the period of limitation is relevant and is required to be considered for the purpose of granting the relief of condonation. In the present case the appellant has not reacted against the order of the FAA, dated 15/6/2015 with the period permitted under the law for filing the second appeal. It is also pertinent to note that even thereafter from 16/09/2015 till 24th November 2015 the appellant did not react to the said order of the FAA. The appellant is reacting against the said order only in January 2016 after a delay of nearly 2 months after the expiry of period of limitation. The said certificate cannot help the appellant to seek a extension of the limitation.

7) The appellant was granted several opportunities to satisfy the grounds for condonation. However he failed to avail the same nor written arguments are filed inspite of opportunity. Hence the matter was posted for orders today.

8) Thus considering the above circumstances I find that no grounds are made by the appellant to seek the equitable relief of extension in terms of proviso to section 19(3) of the Act. Having failed to show sufficient cause for delay for filing the appeal in time, I am constrained to dismiss the said application for condonation, dated 06/01/2016 and the same is dismissed accordingly. The appeal also stands disposed off accordingly.

Notify the appellant.

Pronounced in the open proceedings.

Sd/-

(Prashant S. P. Tendolkar)
Chief Information Commissioner
Panaji –Goa