

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

Appeal No. 125/SIC/2015

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

..... Appellant

V/s.

1.The Public Information Officer,(PIO)
O/o the Mamlatdar of Tiswadi,
Panaji Goa.

2.The First Appellate Authority,
O/o the Deputy Collector & S.D.O.,
Panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 14/12/2015

Decided on: 30/11/2016

1. The brief facts reading to the present appeal are as under.
 - a) the appellant vide his application dated 8th July had sought certain information in respect of 27 items setout in the said application from PIO , Office of the inspector of Survey and land records Panaji .
 - b) As the part of the information at point 1 to 7 pertaining to another public Authority the same was transferred by the PIO of land and survey records under section 6(3) of the Right to Information Act 2005 to the Respondent No. 1 Public Information officer/, office of Mamlatdar Tiswadi Taluka on 11/7/14 with the request to furnish the information directly to the applicant.
 - c) As the respondent No. 1 PIO did not furnish the information within the stipulated period as per section 7 of the Right to Information

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Act, and as such since the information was denied, the appellant moved the First Appellate Authority under section 19(1) of the Act on 13/10/14 .

- d) After hearing both the parties the Respondent No. 2 First Appellate Authority (FAA) was pleased to passed an order on 23/10/14 the copy of the same was delivered on 5/11/14to parties
- e) Being aggrieved by the order of the Respondent No. 2 First Appellate Authority the appellant have preferred the present appeal under section 19(3) of the RTI Act on various ground as setout out in a memo appeal on 11/12/15 alongwith the application for condonation of delay on medical grounds thereby enclosing a Xerox copy of medical certificate dated 9/12/15 issued by Dr. Galiano Dos Reis falcao. The said certificate certify that the said appellant was under his treatment for ach in the left feet joint from November 2015 and that he was advised rest and medication during such period.
2. The notice of the appeal was served on both the parties in pursuant to the notice the appellant appeared in person and on behalf of Respondent No. 1 APIO Anna Vaz appeared and filed their reply on 24/10/2016.
3. I carefully gone to the records of the case including the application for condonation of delay and a medical certificate. The point that arises for my consideration that whether the present appeal is filed within the limitation and if not whether the condonation of delay has to be granted or not.
4. 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

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satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

5. In the present case admittedly as per records the order of FAA was passed on 23/10/2014. The said order was pronounced in the presence of the appellant and is duly signed by the appellant on the same date. The copy of the order was collected by the Appellant on 05/11/2014. Thus for reckoning the period of limitation it starts on 24/10/2014 and or by 06/11/2014 and 90 days expires on 06/02/2015 within which time the appeal was required to be filed. Any cause for delay during this period is required to be explained.
6. The appellant is seeking the condonation of delay due to his medical requirements from November 2015. The appellant nowhere has given any reason nor made out any grounds as to why he did not file the appeal during the period of 90 days and grounds if at all had accrued to him after said period.
7. The cause for delay which occurs 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 23/10/2014 with the period permitted under the law for filing the second appeal. It is also pertinent to note that even thereafter from 24/10/2014 till November 2015 the appellant did not react to the said order of the FAA. The appellant is reacting against the said order only on 11/12/2015 after a delay of nearly more than 10 months after the expiry of period of limitation. The said certificate cannot help the appellant to seek an extension of the limitation. More so even the Xerox copy of the medical certificate cannot be looked into as neither the original medical certificate is produced for verification nor a certified copy of the original certificate produced on record.

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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, and the same is dismissed accordingly. The appeal also stands disposed off accordingly.

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.

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