

GOA STATE INFORMATION COMMISSION

‘Kamat Towers’, Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner.

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Complaint No. 53/SIC/2012

Shri Chandu S. Gaonkar,
H. No. 27, Talwado, Veroda,
Cuncolim, Salcete - Goa

..... Complainant

V/s.

- 1) First Appellate Authority,
Office of the Dy. Collector,
Collectorate Bldg.,
Margao – Goa.
- 2) The Public Information Officer,
O/o the Mamlatdar,
Collectorate Bldg.,
Margao – Goa.

..... Opponents

Relevant emerging dates:

Date of Hearing : 17-03-2016

Date of Decision : 17-03-2016

O R D E R

1. Brief facts of the case are that the Appellant had filed an RTI application dtd. 28/9/2011 seeking certain information as to the number of ration cards issued, copies of ration cards registered, copies of declaration forms of every ration card issued all falling under the Jurisdiction of the Cuncolim Municipal Council. It is pertinent to note that the information seeker has not

mentioned any particulars of the respective dates from which period he requires such information. The Appellant in his application has further stated that he belongs to BPL category however there is no certified copy of such certificate found in the file with the commission.

2. The PIO vide his reply dtd. 21/10/2011 had informed the Appellant that the documents of information sought by him are ready and to collect the same after paying an amount of ` 45,000/-. The Appellant not satisfied with the reply of the PIO had than moved the FAA vide his appeal memo on 4/11/2011. However it is the grievance of Appellant that the FAA has not fixed any date for hearing nor has decided his first appeal and therefore he is before the commission in second appeal.

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3. During the hearing the Complainant is absent despite advance notice sent by Registered Post. The Respondent PIO present in person. The Commission on perusal of the file observes that as per the Roznama on 16/12/2013 one Mr. Rony Dias had appeared on behalf of the Appellant and requested to allow him to inspect the register. It is also observed that the PIO had filed a reply on 6/6/2012 denying the averments made by the Complainant in his Complaint memo.
4. The Commission further observes that while the Appellant had filed a proper Second Appeal under section 19 before this commission he subsequently by his handwritten overwriting has sought to change the Appeal into a Complaint under section 18. The Commission is of the view that once pleadings are made in the form of an Appeal under section 19, the same

cannot be allowed to be changed more so when one of the prayer is seeking direction from the commission to release information and which can be made in an Appeal and not in a Complaint .

5. The Commission therefore remands the Appeal back to the FAA who is hereby directed to give the Appellant a hearing and dispose the First Appeal on merits. The Appellant is directed to appear before the FAA within thirty days of the date of the order latest by 18/4/2016. With a copy of the Appeal memo along with annexures so as to enable the FAA to dispose the Appeals. The period of limitation stands extended.

The Appeal is accordingly disposed. Pronounced in open court before the parties who are present at the conclusion of the hearing. Notify the parties concerned.

Authenticated copies of Order be given to the parties free of cost.

(Juino De Souza)
State Information Commissioner