

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No. 71/ SCIC/2014

Shri Vithoba Babusso Adel,
R/o H.No. 126 Bansai Kakoda,
Curchorem Goa.

.....Appellant.

V/s.

1.Registrar of Co-op. Societies,
First Appellate Authority (FAA),
Office of Registrar of Cooperative Societies,
Govt. of Goa, "Sahakar Sankul", EDC Complex,
Patto, Panaji Goa.

2.Shri P.D. Halarnkar,

Asst. Registrar of Cooperative Societies (HQ)
& APIO, Office of the Registrar of Cooperative
Societies, Govt. of Goa, "Sahakar Sankul",
EDC Complex, Patto Panaji Goa.

.....Respondents

Appeal Filed on: 10/07/2016

Disposed on: 17 /11/2016

ORDER

1. Brief facts of the case are that Appellant Shri Vithobha Adel through his application dated 25/03/2014 under section 6 of the Right To Information Act (RTI Act) sought details of consumer number 623284 and consumer number 623298 from Public Information Officer (PIO) O/o. East Quepem Consumer Cooperative Society Ltd. H. P. Gas dealer Curchorem Goa.
2. Since his application was not responded, and since the information not furnished to him he preferred appeal before Registrar of Cooperative Societies being First Appellate Authority (FAA) on 21/05/2014.
3. The Assistant Registrar of Cooperative Societies (H. Q.) and Assistant Public Information Officer (APIO), Panjim Goa Shri P. D. Halankar vide his letter dated 12/06/2014 informed the Appellant that *that their office has no jurisdiction to entertain the first Appeal against the Cooperative Societies as their Office has not appointed any Public Information Officer on the Cooperative Societies in terms of provisions of RTI Act 2005.*
4. Being aggrieved by the reply of the Respondent No. 2 herein, the present second appeal came to be filed before this Commission on 10/07/2014 praying for the direction as against Respondent No. 1 to hear the first appeal and decide the first appeal in accordance with law and also seeking for fine

as against the Respondent No. 1 FAA and as against Secretary of East Quepem Consumer Cooperative Society Ltd for Curchorem-Goa for having deliberately not supplied relevant information to him

5. After notifying the parties matter was listed on board and taken up for hearing.
6. Appellant inspite of due service of notice opted to remain absent. Advocate Sarmalkar appeared only on one occasion on behalf of both the Respondents and then failed to appear before this Commission nor filed reply.
7. After awarding the opportunity to both the parties and having failed to appear before this Commission, this commission had no other option then to decide the matter based on the record available in the file.
8. On scrutiny of the file it is seen that the Respondent No. 1, FAA has not passed any orders. I fail to understand in what capacity Respondent No. 2 Shri P. D. Halarnekar has replied the appellant and how he came into picture, as neither the application under section 6(1) of RTI Act was made to him nor first Appeal was filed before him as such I am of the opinion that he had no locus standie in the entire issue. The First Appellate Authority (FAA) ought to have heard both the parties and then ought to have decided the first appeal in accordance with law merely rejecting the Appeal without hearing the parties on technical ground is against the mandate of RTI Act and not in accordance with the law. There is no provision in the RTI Act, for delegation of power either by PIO or by FAA. The responsibility entirely rest on them and they are the Officers specifically appointed and designated empowered under the RTI Act. At the entire responsibility cast on them to see that implementation of Act is done in true spirit.
9. Role of the Commissioner as prescribe as under section 19(3) is by way of second Appeal to. The role of Commission will come in play only after the issue is decided by the first Appeal before the FAA. In the circumstances to my mind present I find that the ends of justice would meet incase appropriate direction would be issued to Respondent No. 1, FAA as prayed by the Appellant.
10. I dispose the Appeal with following:-

ORDER

The prayer a) is hereby granted. As first Appeal was not disposed by Respondent No. 1, FAA the Commission remands the matter back to Respondent No. 1, FAA to here the 1st Appeal filed by the Appellant on 21/05/2014 and dispose the same on merits within 60 days of the date of order. The Appellant is directed to approach the office of Respondent No. 1, FAA within 30 days of the date of order of the Respondent No. 1, FAA will fix the dates for hearing of both the parties (PIO and information seeker) and decide both the Appeals in accordance with law incase Appellant doesnot appear before the Respondent No. 1

FAA as per schedule above, it will be presume that he the Appellant has abandoned his cause.

Proceedings stand closed.

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/-

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