

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

APPEAL No. 117/SCIC/2015

Umesh Dhaimode,
T4 Krishna Plaza Coop. Hsg. Society,
Vidhyanagar Margao Goa.

..... Appellant

V/s.

1. Public Information Officer
Asst. Election Officer &
Asst. Registrar of the Coop. Societies,
South Goa District Margao Goa Respondents
2. First Appellate Authority &
Registrar of the Coop. Societies,
Sahakar Sankul Patto,
Panaji Goa.

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 29/10/2015

Decided on: 14/08/2017

ORDER

1. The appellant , Shri Umesh Daimode submitted an application on 21/8/15 under the RTI Act,2005 seeking certain information as stated therein in the said application concerning election process of the Krishna plaza co.op housing society and its final voters list from the PIO of Assistant election officer/Asst. registrar co-operative societies election cell, south Goa District , Margao, Goa who is the respondent no.1 herein .
2. The said application was responded by the Respondent no.1 PIO ON 24/8/15 thereby calling upon appellant in their office for verification of documents and for paying necessary fees for the said information.
3. The appellant being not satisfied with the reply of respondent no.1 PIO, filed first appeal on 29/8/15 before the Registrar of co-operative societies being 1st appellate authority who is the respondent no.2 herein.

4. It is the case of the appellant that respondent no.2 FAA did not dispose the said appeal within stipulated time , and as no information came to be furnished to him , the appellant approached this commission by way of this present appeal on 29/10/15 with the prayer primarily for furnishing him information along with other reliefs .
5. It is the case of appellant as set out in memo of appeal that he had requested PIO to send the information by vp book post he being super senior nearing 80 years having medical problems and calling for him for identification of documents was absolutely irrelevant .
6. In pursuant to the notice of this commission , appellant opted to remain absent . Respondent no.1 PIO Shri Harichandra Gawade and P.A. Porob was present .
7. Reply filed by respondent no.1 Pio on 1/8/17 The copy of the same could not be furnished to the appellant on account of his continuous absence .
8. The respondent no.1PIO vide his reply contended that their letter dated 24/8/15 which was signed by Asst .Registrar of co-op societies, ABN/EXE, south Goa District , Margao was also holding additional charge of election cell as such based on the above statement of present PIO , I do not find any irregularity in the said reply .It further the contention of PIO that that appellant never visited their office nor replied to the said letter .
9. During the hearing before this commission PIO Shri H.S Gawde submitted that the information sought by the appellant is ready and showed his desire to send it to the appellant by registered AD/ speed post .
10. On subsequent dates, the PIO Shri Gawde submitted that the information which was sent to appellant by speed post has returned unserved with endorsement "Door locked " intimation served and he filed on record his compliance report on 14/08/2017 alongwith track

consignment report bearing the said endorsement of postal authorities .

11. As there is nothing placed on record by the respondent no.2 FAA that they have disposed the 1st appeal within time and as the statement made in the memo of appeal is specifically not disputed and rebutted by the respondent no.2 FAA , I have no hesitation in believing the averments of the appellant .
12. The act came into force to give fast remedy to the information seeker as such time limit is fixed to give reply u/s 7 of RTI act and to dispose the 1st appeal maximum by 45 days . Act on the part of the respondent no.2 FAA is in contravention of RTI Act. The respondent No. 2 FAA also did not bother to appear before this commission nor bother to file reply. The act on the part of Respondent NO. 2 FAA is condemnable. However considering this as an 1st lapse on the part of Respondent No.2 a lenient view is taken and the respondent no.2 FAA is hereby directed to be vigilant hence forth and any such lapses on their part will be viewed strictly.
13. In the above given circumstances, I feel ends of justice will meet , following order .

ORDER

The Appellant if so desired may collect the envelop containing the said information personally or through his authorized representative from the office of Respondent no.1 Public Information officer within three weeks from the date of receipt of this order .

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/-

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