

GOA STATE INFORMATION COMMISSION

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

Appeal No. 16/SCIC/2015

Shri Ulhas Bhaje,
C/o. Laxmi Niwas,
H.No.285, behind kamat plaza,
St.Inez, Panaji Goa.

.....Appellant.

V/s.

1.The First Appellate Authority,
For P.W.D. At Altinho,
Superintending Surveyor of Works (SSW),
Altinho, Panaji Goa.

2. Public Information Officer (PIO),
Director (Adm) PWD,
Altinho Panaji-Goa.

.....Respondents.

3. Mr. Uday A.C. Priolkar,
H.No. C-5/55, Mala Panaji Goa.

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on:23/01/2015
Decided on:02/02/2017

ORDER

1. This order disposes the application dated 03/02/2017 filed by Respondent No. 3 Shri Uday Chari Priolkar herein after referred as applicant objecting for withdrawal of the above appeal by appellant.
2. The present appeal was filed by appellant against the Respondents including the applicant herein. The grounds as put forth by appellant in the appeal were that the applicant herein had sought for the information pertaining to him from Respondent No. 1 Public Information Officer PIO. The furnishing the information was objected to by the appellant in spite of which it was ordered to be furnished. The appellant therefore filed the

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present appeal objecting the dispensation of information under section 19(2) of the Right to information Act.

3. When the matter came up for hearing on 2/2/2017, the appellant submitted that the information as was sought is furnished and hence he does not want to proceed with the appeal. Accordingly the appellant made endorsement on the appeal memo and this commission by order dated 2/2/2017 disposed the appeal as withdrawn.
4. The objection of appellant herein is on the ground that the withdrawal can be allowed on the condition to compensate the applicant for alleged hardship and for issuing warnings.
5. In support of his contention the applicant has relied upon some orders passed by this commission as also of the Hon'ble High Court.
6. I have perused the records as also the application filed by the applicant. This is an appeal filed by the appellant, who was a third party for PIO. As the appellant had objection for dispensing his information he had filed the present appeal under section 19(2) of the Right to Information Act. Now that as per appellant the information as was applied was furnished already this appeal has become infructuous and he has therefore withdrawn the same. Being the author of his appeal he has the locus standee of decide regarding the appeal. Accordingly as per appellants requirement the appeal is allowed to be withdrawn. The respondents cannot have a say on the decision of the appellant.
7. Regarding payment of compensation to the applicant it is to be considered that this commission functions as per the mandate of RTI Act 2005. The said act nowhere confers powers on the

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commission to grant compensation to respondent from the appellant. The only powers considered are under section 19(8)(b), to require Public Authority to compensate the complaint.. The appellant is not a public authority and the applicant being not a complainant the applicant is not entitled to seek compensation under the Act.

8. I have also perused the citations relied upon by the applicant. I do not find any of those applicant. I do not find any of those citations involve similar facts and hence are totally irrelevant and have no bearing over the present application.
9. The application under consideration is thus not maintainable and hence need not be admitted.

In the result the application dated 3/2/2017 filed by applicant who was the Respondent No. 3 in the above appeal is dismissed.

Notify the Applicant.

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

