

**GOA STATE INFORMATION COMMISSION**

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

-----  
**Appeal No. 217/SIC/2010**

**CORAM : Prashant S. Prabhu Tendolkar**  
State Chief Information Commissioner

**Nishant G. Sawant,**  
Mahalaxmi Bandora,  
Ponda - Goa.

..... **Appellant**

**V/s**

**1. The State Public Information officer**

The Executive Engineer,  
W.D. XVI (BC) P.W.D.  
Ponda – Goa.

**2. The First Appellate Authority/S.S.W.**

P.W.D. Altinho,  
Panaji – Goa.

..... **Respondents**

**Filed on : 21/09/2010**  
**Disposed on : 05/04/2017**

**1) FACTS IN BRIEF:**

- a) The Appellant herein by his application dated 29/03/2010 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under several points therein.
- b) According to Appellant as per appeal memo said application was not responded to by the PIO within time and as such deeming the same as refusal Appellant filed first appeal to the Respondent No.2 on 19/05/2010.
- c) The First Appellate Authority (FAA) by order, dated 28/06/2010, directed PIO to furnish the information, within ten days on payment of

necessary charges.

- d) The Appellant has landed before this Commission in this second appeal u/s 19(3) of the Act.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 06/12/2010 had filed a reply to the appeal. Arguments were heard.

## **2) FINDINGS**

- a) I have perused the records as also the pleadings of parties as contained in the appeal memo and the reply filed by PIO on 06/12/2010 as also on 07/03/2017.
- b) The PIO vide his reply, dated 06/12/2010 has filed on record the copy of office letter, dated 19/04/2010 in response to appellants' several applications, including the one dated 29/03/2010. Vide said letter, the PIO had asked the Appellant to inspect the file. Said letter is filed on records.

The Appellant in his appeal memo nor in his submissions has referred to the said letter.

- c) After the order of FAA, dated 28/06/2010, the PIO by letter, dated 02/07/2010 called upon the Appellant to take away the certified copies of documents on payment of Rs.62/- as the fees. Copy of said letter is found placed in the file.
- d) In the appeal memo filed before this Commission on 21/09/2010, the Appellant is also silent on this letter. The Appellant has also not disputed the said letter in his submissions.
- e) Considering the above, I find that the Appellant has not approached the Commission with clean hands.
- f) Be that as it may, it is seen from the records that by order dated 28/06/2010, the PIO is directed to furnish to the Appellant the information as sought on payment of Rs 62/- as its fees. The Appellant has not whispered as to whether he has at any time paid or offered the said amount. In any event the information as is requested

is ordered to be furnished. Period for payment of fees and collecting information was ten days from the date of receipt of the order.

- g) Furnishing of the information after of FAA was a bilateral Act to be performed by Appellant by paying fees and PIO by furnishing information. In the present case nothing is found on record that parties have performed their obligation. Hence without going into the reason, I find it appropriate to offer additional opportunity to the parties.
- h) Considering the above facts and circumstances I find that the ends of justice shall be met by the following :

**ORDER**

Appeal is dismissed and the Order of the First Appellate Authority dated 28/06/2010 is upheld. However the time for making payment of the fees is extended upto a period of fifteen days from the date of receipt of this order by Appellant and the PIO shall furnish the information as was ready on 26/04/2010 against receipt of such fees.

Pronounced in open proceedings.

Proceedings closed.

Parties to be notified.

**Sd/-**

**Shri Prashant S. Prabhu Tendolkar**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa