

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, PattoPanaji-Goa

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

Appeal No. 38/SIC/2014

**Comunidade of Serula,
Through its Attorney,
Having Office at
Socorro, Bardez-Goa**

.....Appellant.

V/s.

1. Trajano D'Mello,
R/o. Opposite Pedem,
Sports Complex, Mapusa, Bardez, Goa
2. The First Appellate Authority,
Additional Collector-II,
Collectorate Office,
Panaji-Goa

..Respondents

Appeal filed on: 30/04/2014

Decided on: 7/04/2017

ORDER

1. In the present case the Appellant i.e. the Comunidade of Serula through his attorney has preferred this present 2nd appeal against the order dated 15/04/2014 in case no. RTI/AC-II/API/07/2014 passed by First Appellate Authority (FAA), Additional Collector II, Collectorate Office, who is the Respondent No. 2 here in.
2. The brief facts leading to present appeal are that the Respondent No. 1 Shri Trazano D Mello by his application dated 9/1/14 sought certain information from the appellant in respect of Serula Comunidade. The application of the Respondent No. 1 filed u/s 6(1) was not responded by the appellant the Respondent No. 1 presented first appeal before FAA on 24/02/2014. And the Respondent No. 2 FAA by an order dated 15/04/2014 directed the appellant to furnish the required information as per the original application of Respondent No. 1 dated 9/01/2014, within 15 days from the receipt of the order.

3. Being aggrieved by the order of the Respondent No. 2, appellant herein have approached this Commission on the ground mentioned in the a memo of appeal with the prayer to quash and set aside the order of the FAA .
4. On appointment of this commission, the fresh notices were issued to the parties. In pursuant to the said notice appellant was represented by Advocate P. Narvekar only on one occasion and thereafter failed to appear. Respondent No. 2 FAA represented by Sybilina Menezes who filed reply on 6/03/17. Respondent No. 1 Shri Trajon D'Mello despite of due service of notice opted to remain absent.
5. In the said appeal memo it is contended by the appellant that the record of the Comunidade maintained by the Secretary / Registrar of particular Comunidade and the Administrator of the Comunidade is the PIO dealing with Administration of the Comunidade as Respondent No. 1 should have approached Administrator of Comunidade. It is their further contention that by letter dated 1/06/2010, the under Secretary Revenue clarified that under RTI, it is Administrator of Comunidade is PIO similarly in Appeal No. 13/2008 State Information Commission held that attorney cannot be PIO. It is further contention of the appellant that the order is passed by Respondent No. 2 FAA without hearing the appellant and as such the act of Respondents amounts to violation of principal of natural justice. Therefore his appeal has to be allowed.
6. In other word according to the appellant the information sought by Respondent No. 1 could be dispensed through Administrator who is already declared as public authority.
7. The Respondent No. 1 Trajano Demelo have not produced any records to show that for the appellant any PIO are appointed.
8. In the above given circumstances I find some substance in the appeal and the same is allowed and the order passed by Respondent No. 2 FAA is hereby set quashed aside.

9. Liberty granted to Respondent No. 1 Trajano D'mello to seek information pertaining to his application dated 9/01/2014 from the PIO O/o Administrator of Comunidade.

Appeal is disposed accordingly proceeding stands 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/-
(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa