

## GOA STATE INFORMATION COMMISSION

‘Kamat Towers’, Seventh Floor, Patto, Panaji – Goa

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

**Appeal No. 43/SIC/2014**

Shri Kenneth Silvera,  
H.No. 99, Deusu, Chicalim,  
Marmugao-Goa .....Appellant  
V/s

1. The Additional Colletor-I/  
Public Information Officer  
(PIO), South Goa Collectorate,  
Margao-Goa
2. The Collector/  
First Appellate Authority  
(FAA), South Goa Collectorate,  
Margao-Goa ... Respondent

**Appeal Filed on: 12/05/2014**  
**Decided on: 10/05/2017**

### **ORDER**

1. The Appellant, Shri Kennath Silvera submitted applications on 17/01/2014 and on 20/01/2014 under Right to Information Act (RTI Act) 2005 seeking certain information from the Public Information Officer (PIO), Office of the District Magistrate South Goa.
2. According to the appellant the said applications were not responded by the Respondent No. 1, PIO within time as such deeming the same as refusal, appellant filed 1<sup>st</sup> appeal to Respondent No. 2 First Appellate Authority (FAA) on 12/03/2014.
3. It is further case of the appellant that after filing the 1<sup>st</sup> appeal thereafter approximately weeks time the reply covered in envelop was lying at his door step and the said replies were

predated as 13/02/2014. It was the further case of the Appellant that no enclosures whatsoever were annexed to the said reply as such, he claimed that incomplete information has been provided to him.

4. Since the Respondent No. 2 FAA didnot pass any order on the 1<sup>st</sup> appeal and being not satisfied with the information provided to him by Respondent PIO, the appellant therefore approached this Commission with the second appeal under section 19(3) of the RTI Act, 2005 with the prayer as against Respondents for providing him requested information free of cost.
5. In pursuant to the notice. Appellant appeared in person. During the initial hearings both the Respondents were represented by Advocate Harsha Naik. Reply filed by Respondent PIO on 12/08/2016 thereby enclosing the copies of the annexures. Reply also filed by Respondent No. 2 FAA on 12/07/2016. The copies of both the replies were furnished to the appellant.
6. The Appellant sought time to file his written synopsis and after that the Appellant remained continuously absent.
7. Advocate for the Respondents submitted that her reply may be treated as arguments. Opportunity was given to the Appellant to file his written synopsis if any.
8. Since no written synopsis were filed by the appellant, I proceed to dispose the present appeal based on the records available in the file.
9. It is case of the Respondent that both the applications were responded within time and due information have been provided to the appellant. In respect of his application dated 17/01/2014 it was submitted that information at point no. 1 to 3 was provided to the appellant and with respect to point No. 5 Appellant was directed to pay an amount of Rs 256/- and with

regards to point No. 4 and 6 since the information was voluminous in nature the appellant was requested to do inspection of records in order to provide him required information. It is specific case of Respondent PIO that though the information at point No. 5 was kept ready, the appellant didnot approached their office to make necessary payment towards certified copies of the required documents.

In respect of his application dated 20/01/2014, it is specific case of the Respondent that information at point number 1, 2, 3 was provided in view of his application dated 17/01/2014 and information in respect of point No. 4 to 7 was furnished to him.

11. The application dated 17/01/2014 was verified viza-viz with the information and it was found that due information have been provided to the appellant vide said reply dated 13/02/2014. It appears from the records that the Appellant himself has delayed in collecting information at point number 5 by not making the payment in time nor by doing the inspection of records.
12. With regards to information furnished to the RTI Application dated 20/01/2014 it is seen that the appellant has obtained information for the period of last 5 years till the date of application. Reply of the PIO dated 13/02/2014 was verified visa vis application filed under section 6 of RTI Act. It is seen that information at point No. 4,5,6 and 7 have been fully given. However at point No. 1 to 3 have been partly given. In the said reply what was furnished to the appellant was the information pertaining to 3 years as which was sought by him vide his other application dated 17/01/2014 information pertaining to remaining 2 years is not furnished.
13. In view of above I am of the opinion that ends of justice will meet with the following direction:-

### **ORDER**

- a. Respondent PIO to furnish the remaining information at point No. 1 to 3 in respect to his application dated

20/01/2014 within 15 days from the date of receipt of this order free of cost.

- b. The Respondent PIO is hereby directed to furnish the copies of the information at point No. 5 of the application dated 17/01/2014 after receiving payment of Rs. 256/- from the Appellant.
- c. With regards to point No. IV and VI with regards to application dated 17/01/2014 the PIO is hereby requested to give him the inspection of records within 15 days from the receipt of order if appellant still desires to do so and then to provide him the documents after the necessary fees are paid by him.

With the above direction the appeal stands disposed .

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

Kk/ ff/

asdf;;