

GOA STATE INFORMATION COMMISSION

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

Appeal No. 48/2017

C.M Fernandes

Dr. Barbosa Bldg. No. 2,
Flat No. 8,
Ground floor, Patrong,
Vasco-Da-Gama, Goa-403802Appellant

V/

1. First Appellate Authority (FAA),
Chief Electoral Officer, Altinho,
Panaji-Goa
2. Public Information Officer (PIO),
Joint Chief Electoral Officer,
Office of the Electoral Officer,
Altinho, Panaji-Goa Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 5/04/2017

Decided on: 14/09/2017

ORDER

1. Brief facts of the case are that the appellant Shri C. M. Fernandes by his application, dated 25/10/16 filed u/s 6(1) of Right to information Act, 2005 sought certified copy of list of names of Goan persons who is going to lose or lost their voting rights due to registration of Birth in Portugal or for being foreign national /citizen from the Public Information Officer (PIO) of the Office of Goa State Election Commission, Panaji-Goa, who is the Respondent No. 2 herein.
2. The said application of the appellant was responded by the Respondent no. 2 PIO on 11/11/16 wherein the said

information was rejected u/s 8 (1) (j) of Right To Information Act, 2005

3. Being not satisfied with the reply of Respondent no. 2 PIO , the appellant filed appeal before the Chief Electoral Officer being the First Appellate Authority (FAA) on 22/12/2016 who is the Respondent No.1 herein.
4. The Respondent No.1 FAA, by an order, dated 7/01/2017 disposed the said appeal by upholding the say of the PIO.
5. Being aggrieved by the action of both the Respondents, the appellant approached this Commission on 5/4/2017 by way of second appeal filed u/s 19(3) of the RTI Act on the grounds as raised in the memo of appeal.
6. In the present appeal he has sought for the direction of setting aside the order passed by the Respondent No.1 FAA on 7/01/2017 and for furnishing him information correctly and fully as sought by him vide his application dated 25/10/2017 and also for invoking penal provision.
7. In pursuant to the notice of this Commission Appellant appeared along with Advocate R. Shetkar. Respondent No. 2 PIO Shri Devidas Gaokar was present. Respondent No. 1 FAA opted to remain absent.
8. Respondent PIO filed his reply on 11/09/2017 and additional reply was filled on 14/09/2017. The copies of both the replies were furnished to the appellant.
9. Vide said additional reply it was contended by the respondent PIO that information sought by the appellant was not

available with them and are available with the Electoral Registration Officer (ERO) and Assistant Electoral Registration Officer (AERO) as per the Electoral Registration Rules who are having independent PIOs.

10. The said information which was provided by way of additional reply, was verified by the appellant along with his advocate. Advocate for the appellant then submitted that with the said information the requirement of the applicant are fully satisfied and as such has got no grievance against PIO. He further submitted that he will take necessary steps to seek the information from concern PIOs. Accordingly Advocate for the appellant endorsed his say on the memo of appeal.
11. In view of the submissions and endorsement made on behalf of appellant by the Advocate for the appellant , I find no reasons to proceed with the matter.

Appeal disposed accordingly. Proceedings 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 under the Right to Information Act 2005.

Sd/-

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

KK/-

