

GOA STATE INFORMATION COMMISSION

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

**Shri Prashant S.P. Tendolkar, State Chief
Information Commissioner,**

Appeal No.07/SCIC/2016

Shri Rabindra A. L Dias,
Dr. Pires Colony, Block "B",
Cujira, St-Cruz, Tiswadi-Goa. Appellant

V/s

- 1)The Public Information Officer,
O/o The Mamlatdar of Salcete,
Margao-Goa.
- 2)The First Appellate Authority,
The Dy. Collector & S.D.O.,
Margao-Goa. Respondents.

Filed on: 06/01/2016

Disposed on: 17/02/2017

1) FACTS:

- a) The Appellant herein by his application, dated 13/10/2015 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent NO.1, PIO in the form of certified copies of form 6 alongwith enclosures pertaining to four persons mentioned therein.
- b) According to appellant the 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.
- c) It is the contention for appellant that the First Appellate Authority (FAA) refused to register the appeal nor any opportunity was given to the appellant.

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- d) The appellant has therefore 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 12/04/2016 appeared for self and on behalf of FAA and collected copies thereof.
- f) On 03/08/2016, PIO appeared in person and requested for time to file reply. However on all subsequent dates of hearing the PIO remained absent. No reply is filed inspite of several opportunities granted to PIO and FAA. Hence the matter was taken up for hearing based on record.
- g) In the course of proceedings the appellant has filed several applications objecting to conduct the hearing in the absence of PIO, which are also dealt with herein.

2) FINDINGS:

- a) I have perused the records. According to appellant he filed his application u/s 6(1) of the act on 13/10/2015. According to appellant the said application is not responded to by the PIO.

Again it is the contention of appellant that the first appeal was filed but not heard. The appellant has verified his memo of appeal.

- b) As against the said allegations no reply is filed by the PIO or the FAA. Hence I have no reason to discard or disbelieve the contention of the appellant.
- c) In the background of the above I find that the PIO has failed to furnish the information to the appellant within the time as mandated. Under section 7(1) of the Act. No grounds are made out for bringing the said information under any of the exemption under the Act.

- d) Considering the above facts I find that the appellant is entitled to have the information as sought. Considering the lapse of the part of PIO, I prima facie hold that the PIO is liable to penalty under the act as contemplated u/2 20(1) and or (2) of the act.
- e) The appellant in the course of proceedings has filed applications objecting for hearing in the absence of PIO. I find such application as not maintainable in view of the fact that the act does not grant any such powers to Commission. On the contrary as the proceedings are civil in nature their presence is not mandatory unless ordered for by the Commission.

In the light of the above findings I dispose the present appeal with the following :

O R D E R

The appeal is allowed. The PIO to furnish to the appellant the information as sought for by him vide his application dated 13/10/2015 within 15 days from the date of receipt hereof by him.

PIO to show cause as to why action as contemplated u/s 20(1) and /or 20(2) of The Right to Information Act 2005 should not be initiated against him returnable on 09/03/2017 at 03.30 pm. PIO to file the reply in person on the above date.

The applications filed by appellant, objecting the hearing in the absence of the PIO, are dismissed accordingly.

Parties to be communicated.

Proceedings closed.

Pronounced in the open proceeding.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa