

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

**Appeal No.10/SCIC/2016**

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

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**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.

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**Respondents**

**Filed on: 14/01/2016**

**Disposed on:17/02/2017**

**1) FACTS:**

- a) The Appellant herein by his application, dated 24/12/2014 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) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant on 04/02/2015 filed first appeal to the respondent NO.2, being FAA.
- c) It is the contention for appellant that the First Appellate Authority (FAA) fixed the date of hearing on 07/04/2015, much after statutory period of thirty days and that the order was to be communicated , which was not done.

- 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 through their representative on 08/07/2016 and 03/08/2016 appeared. However no reply was filed. Subsequent to 03/08/2016 none appeared on behalf of Respondent no.1 and 2.
- f) In view of the continuous absence of Respondent the arguments of Appellant were heard. The Appellant on 31/08/2016 has also filed application objecting to hear the matter and refer the matter to Chief Secretary. Said application also dealt with by this order.

## **2) FINDINGS:**

- a) I have perused the records. According to appellant he filed his application u/s 6(1) of the act on 24/12/2014. 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 the date was fixed after period fixed for disposal of appeal. 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., nor any reasons are furnished for not responding the application.

- d) Considering the above facts I find that the appellant is entitled to have the information as sought. Considering the lapse on the part of PIO, I prima facie hold that the PIO is liable for 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 24/02/2014 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/-**  
**( Prashant S. Prabhu Tendolkar )**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa