

GOA STATE INFORMATION COMMISSION

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

Appeal No. 23/SIC/2017

Shri Sanjeev Veling,
Near Ganapati Temple,
Khandola Goa. 403107.

..... Appellant

V/s.

1. Public Information Officer
Mamlatdar of Ponda Taluka,
Ponda Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 16/03/2017

Decided on: 07/07/2017

ORDER

1. The present appeal came to be filed by the appellant Shri Sanjeev Veling on 1/3/17 thereby seeking relief for providing him information and for invoking penal provision.
2. In pursuant to the notice of this Commission appellant appeared in person Respondent No. 1 was represented by GORITY Rebelio who filed reply on 19/6/2017 resisting the appeal.
3. Arguments were advanced by both the parties.
4. The case of the appellant as set out in the memo of appeal is as under:

That appellant had made two applications dated 29/2/2008 and 26/5/2008 seeking information as regards to the irregularities carried out in Shree Ganapati Devasthan, Khandola and misappropriation of funds done by the managing committee of said Devasthan.

It is the case of the appellant that no information was furnished to him and The Mamlatdar converted those application into cases and dragged for years.

It is his further case that being aggrieved by said delay, he has to approach this Commission seeking intervention for furnishing information.

5. It is the case of Respondent No. 1 that present appeal is bad in law & same is not maintainable as the application dated 26/05/2008 and 29/02/2008 as mentioned in the appeal are not filed under RTI Act.

It is his further contention that vide their office letter dated 19/3/2008 and 11/6/2008 the managing committee was asked to offer comments on the said application and the managing committee vide letter dated 9/6/2008 and 25/6/2008 offered comments denying all the allegations and the proceedings are been initiated

6. I have considered the submission made by both the parties so also the records available in the file.
7. The appellant has filed the present appeal against the application dated 29/2/2008 and 26/5/2008. The application for condonation of delay has been also filed by the appellant on 15/3/2017.
8. At the outset on perusal of records it is seen that application of the appellant dated 29/2/2008 and 26/5/2008 are not filed under the right to information Act 2005 but are filed under the Devasthan regulation Act .
9. It is the case of the appellant that his two application dated 26/5/2008 and 29/2/2008 were converted by the Mamlatdar in to Devasthan cases which came to be registered under No. DEV/2/2009 and that those matters are not moving ahead . It is further contention that the delay in filing the present appeal dated 1/3/17 is not intentional and deliberate. In the nutshell it is his case the delay in filing the present appeal is as he was waiting for the outcome of those Devasthan proceedings.

10. The RTI application which is filed by the appellant dated 12/1/2009 and which is enclosed by him to memo of appeal reveals that he had sought information with regards to action taken on his two letters dated 29//2/2008 and 26/5/2008 by way of said RTI Application

Since the said application dated 12/1/2009 was not responded by PIO the first appeal was filed by the appellant before Deputy Collector, Ponda on 10/4/2009 which was disposed by an order dated 1/6/2009.

11. Even assuming for a while that appellant have approached this commission with regards to application dated 12/01/2009, t the question arises for my determination is whether the said is within limitation.

12. Section 19(3) of the Act provide for the filing of the second appeal within 90 days from the date from which the decision was received.

13. Proviso to section 19(3) grants power to the commission to admit the appeal after the expiry of the period of 90 days on being satisfied the appellant was prevented by sufficient cause from filing the appeal in time.

14. In the present case admittedly as per records the order of FAA passed on 1/6/2009 which was pronounced in the open court. Thus for the reckoning the period of limitation starts on 2/6/2009 and 90 days expires on 2/9/2009 within which time the appeal was required to be filed and cause for delay is required to be explained.

15. In the present case the appellant has not reacted against the order of FAA dated 1/6/2009 with the period permitted under the law for filing the second appeal, the appellant is reacting after the delay of approximately about eight years after the expiry period of limitation that too for not furnishing information of his two

applications dated 29/2/2008 and 26/05/2008 which were not filed under RTI Act.

16. The appellant nowhere has given convincing reasons nor made out any grounds as to why he did not file the appeal up to 2/9/2009. Letter dated 4/6/2013 addressed to deputy collector by appellant have not been annexed to the memo of appeal.
17. The prayer or furnishing information with regards to his so called applications dated 29/2/2008 and 26/5/2008 cannot be granted as the same were apparently not filed under RTI Act. The relief of furnishing information with regards to his application dated 12/1/2009 also cannot be considered as the same is also barred by limitation.
18. Thus considering the above circumstances, I find no grounds are made out to seek the equitable relief of extension in terms of proviso to section 19(3) of the RTI Act. I am constrained to dismiss the application filed for condonation of delay dated 15/3/17 and the same is dismissed accordingly the appeal also stands dismissed as barred by limitation.

Appeal disposed accordingly.

Proceeding close.

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.

Sd/-

(Ms. Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa

