

GOA STATE INFORMATION COMMISSION

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

Appeal No. 34/SIC/2014

Shri Bruno Joan De'Souza,
437, Marra, Pilerne,
Bardez Goa.

.....Appellant.

V/s.

1 Public Information Officer (PIO),
Bastora Village Panchayat,
Bardez Goa.

2. The First Appellate Authority ,
BDO-II Mapusa North,
Bardez Goa.

.. ..Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal filed on: 08/04/2014

Decided on:22/02/2017

ORDER

1. It is the case of the appellant Shri Bruno D'Souza herein, that by the application dated 27/1/14 filed u/s 6(1) of the RTI Act, 2005 had sought certain information from the PIO, Bastora Village Panchayat, Bardez Goa at the several point therein. Said application was not responded by the PIO within stipulated time as such deeming the same as refusal, appellant filed first appeal to the Respondent No. 2 to the First appellate authority who is Respondent No. 2 herein on 06/03/14.
2. It is further case of appellant that Respondent No. 2 first appellate authority herein also did not disposed the first appeal within specific time as contemplated under in the act as such therefore he approached this commission on 08/04/2014 by way of second appeal u/s 19(3) of the Act.

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3. The appeal was taken up for hearing after notifying the parties. In spite of due services of notice appellant remained absent .
4. The Respondent No. 1 was represented by Smita Porab who filed reply on 14/2/2017 . In the said reply it is contended by the PIO that she was having additional charge at the relevant time and the reply which was kept ready by her on 14/02/2014 which was also given outward number VP/BAS/2013-14/764 was not posted by the concerned Panchayat staff to the applicant and she was unaware of the said fact. It is her further contention that during the first day of hearing before the Respondent No. 2 First appellate authority i.e. on 30/5/14 she had issued document to applicant which was accepted by him and accordingly proceedings were closed with the consent of appellant and said fact is reflected in the order of the First appellate authority. To substantiate her case she also enclosed the copy of the order of first appellate authority dated 30/05/2014 the notice of the first appellant authority dated 13/5/14, her reply dated 14/02/2014 to the RTI application addressed to the appellant and the copy of the memo of first appeal.
5. The appellant continuously remained absent and as such no version on behalf of appellant could be heard.
6. It is seen from the records that the first appeal u/s 19(1) was filed on 06/03/2014. The Respondent No. 2 First appellate authority had issued notice on 13/05/2014 fixing the date of hearing on 30/05/2014 at 3.P.M. In pursuant to notice appellant as well as Respondent appeared before Respondent No.2 First Appellate authority. Reply was filed by the Respondent No.1 PIO and proceedings were closed on the request of both the parties.
7. It is seen from the records that present second appeal was filed on 8/4/2014 and thereafter the information is furnished to the appellant on 30/5/2014 during the proceedings before First appellate authority

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As such it appears that the appellant is not interested in pursuing the present appeal and as such not made himself available before this Commission despite of due service of notice.

8. In view of above the appeal is requires to be disposed . Accordingly the appeal stand dismissed as not pressed.

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/-

(Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa