

GOA STATE INFORMATION COMMISSION

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

Appeal No. 39/2017

Nitin Y. Patekar,
Oshalbag Dhargal,
P.O.Colvale,Pernem Goa.

..... Appellant

V/s.

1. Public Information Officer
O/o Village Panchayat,
Dhargal Pernem Goa.

2. First Appellate Authority
O/o Block Development Office,
Pernem Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner.

Filed on: 12/04/2017
Decided on: 21/07/2017

ORDER

1. Brief facts of the present appeal are as under ,

The appellant Shri Nitin Y. Patekar by his application dated 27/12/2016 filed u/s 6 (1) of RTI Act sought certain information on 5 points as stated therein in the said application from the PIO of Village Panchayat, Dhargal, Pernem, Goa who is the Respondent No. 1 herein.

2. The said application was replied by the Respondent PIO on 27/1/2017 thereby furnishing the information to the applicant on all points.

3. Being not satisfied with the reply of the Respondent No. 1 PIO the appellant preferred first appeal on 13/2/2017 before Block Development officer, being first appellate authority who is the Respondent No. 2 herein and since the Respondent No. 2 FAA did not hear and disposed the first appeal within the specified time limit, the present appeal came to be filed under 19(3) of the RTI Act 2005, before this commission on 12/04/2017 with a prayers seeking

directions as against Respondent No. 1 PIO for furnishing him correct and attested copies of the requested information as sought by him vide his application dated 27/12/2016 and for invoking penal provision.

4. In pursuant to the notice of this Commission the appellant was present only during first hearing. Respondent FAA was represented by Advocate Uttara Kundaikar. Respondent PIO was represented by Shri Amir Parab only during first hearing and then they failed to appear.
5. Opportunities were given to the Respondents to file their say. As no say came to be filed on behalf of both the Respondents, this commission had to passed order based on the available records.
6. On scrutiny of records it is seen that the application was filed by the appellant on 27/12/2016 which was duly replied by the Respondent PIO on 27/1/2017. On verification of the reply dated 27/1/2017 vis-à-vis the application, it is seen that all the queries of the applicant have been duly replied. Though he have sought for prayer for furnishing attested copy of the information he has not produce any evidence on record to substantiate his contention that the copies of the information furnished to him vide reply dated 27/1/2017 at annexure (A) and (B) were not attested by the PIO. In absence of any sufficient evidence of records, the commission cannot arrive at the conclusion that the information furnished to him was not attested by the PIO. On account of continuous absence of appellant, no clarification could be obtained from him. It appears that he is not interested in pursuing the present appeal, as such he has not made himself available before this commission to substantiate his case.
7. There is also no cogent and convincing evidence brought on record by the appellant for attracting and invoking penal provisions.
8. The contention of the appellant the Respondent No. 2 FAA has not passed any order within stipulated time, is also not disputed and

rebutted by the Respondent No. 2. FAA. Hence the respondent No. 2 FAA is hereby directed to be vigilant hence forth while dealing with the RTI matters and the said should be disposed within stipulated time as contemplated u/s 19(1) of the RTI Act. Any further lapse on the part of the first appellate authority will be viewed strictly.

Appeal disposed accordingly.

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

