

GOA STATE INFORMATION COMMISSION

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

Complaint No.92/SIC/2010

Shri Kashinath Shetye,
Bambino Building,
Alto-Fondvem,
Ribandar, Tiswadi-Goa.

..... Complainant

V/s

1)The Public Information Officer,
Director of Mines & Geology,
Ground floor of Institute Menezes Braganza,
Panaji-Goa.

2) The First Appellate Authority,
Directorate of Mines & Geology,
Ground floor of Institute Menezes Braganza,
Panaji –Goa.

..... Opponent.

CORAM : Shri. Prashant S. P. Tendolkar State Chief Information Commissioner
Smt. Pratima K. Vernekar, State Information Commissioner,

Filed on : 17/2/2010
Disposed off: 10/01/2017

1) FACTS:

a) The complainant herein by his application, dated 9/6/2009 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO for his 13 points.

b) The said application was replied on 3/7/2009. According to complainant the information, as sought for, was not furnished and hence the complainant filed first appeal to the respondent No.2.

c) The First Appellate Authority (FAA) inspite of receipt of the appeal failed to pass any order thereon within the time stipulated.

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d) The complainant has therefore landed before this commission in this complaint u/s 18 of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 18/6/2010, filed a reply to the appeal . After several letters of this commission the respondent no.2, the First Appellate Authority herein has also filed the reply.

f) The complainant failed to appear and hence no arguments could be heard. In spite of giving opportunity to the parties no written arguments were filed. The commission therefore has proceeded based on the records.

2) FINDINGS:

a) By his application purportedly filed under section 6(1) of the Act the complainant has sought information on his 13 points. After the application was transferred under section 6(3) the PIO has replied the same on 03/07/2009. Said response of PIO is within time stipulated under the Act.

b) Said application dated 09/06/2009 is in the form of a complaint for increase of load, wherein details and certified copies of all electrical connections of all electrical divisions/offices, Government buildings were sought. Thus some of the grievance of the complainant are beyond the scope of act and competence of this Commission. As this Commission is conferred with powers under the act only that part of application seeking information is dealt with in this complaint.

c) On perusal of the reply it is seen that the information sought para wise has been furnished. Only the inspection part of the application is not answered. It is seen from the reply of PIO that increase in load is not granted and consequently all related points are answered as not applicable.

d) The grounds raised in the complaint are that no inspection is allowed and that no information is made available by P.I.O. As per the said grounds basic grievance is that no order is passed by F.A.A even after 45 days.

e) Now dealing with the application purportedly filed under 6(1) of the act, which is dated 09/06/2009, only thing that has remained to be dealt and disposed is the inspection. No where in reply of PIO it is his contention that inspection is granted. It is also not on record in any form. Hence we are of the opinion that inspection of the records is required to be given to the complainant.

f) Coming to the grievance with respect of first appellate authority having not passed order even after 45 days, we find that this contention has force. The Respondent No.2 has not filed any reply denying this contention and hence we find that the F.A.A. has failed to discharge its liability of passing the order in first appeal in time stipulated.

However that by itself has not caused any prejudice to the complainant as after the expiry of said period of 45 days in aggregate, this Commission has entertained this Complaint. No doubt the lapse on the part of F.A.A. in not dealing with the appeal is detrimental to the operation of the Right to Information Act.

g) Considering the above circumstances we find that the present complaint has to be disposed with the following:

ORDER

The PIO shall give inspection of the records to the complainant notifying him within a period of 15days from the date of receipt of this order by him.

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The complainant shall be at liberty to seek further information if he desires.

The First Appellate Authority is hereby instructed to be diligent and show promptness in dealing with appeals under the act. Any lapse on the part of the First Appellate Authority hence forth shall be viewed seriously and appropriate recommendations shall be issued to the Government.

Other prayers are dismissed.

Parties to be intimated.

Pronounced in open proceedings.

Proceedings closed.

Sd/-

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

Sd/-

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