

**GOA STATE INFORMATION COMMISSION**

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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Appeal No. 206/2018/SIC-I

Grenville Dias,  
Venusta classic, Aquem-Alto,  
Margao, Salcete, Goa. 403 601

.....Appellant.

**V/s.**

1. Public Information Officer,  
Directorate of Food & Drugs Administration,  
"Dhanwantari", Opp. The Shrine of Holy Cross,  
Bambolim -Goa.

2. First Appellate Authority,  
Directorate of Food & Drugs Administration,  
"Dhanwantari", Opp. The Shrine of Holy Cross,  
Bambolim -Goa. 403 202

..... Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner.

**Filed on: 30/08/2018**

**Decided on: 16/10/2018**

**ORDER**

1. The second appeal came to be filed by the appellant Grenville Dias on 30/8/2018 against respondent NO. 1 PIO of office of Food and Drugs Administration and against Respondent No. 2 First appellate authority under sub section (3) of section 19 of The Right to Information Act, 2005 .
2. The brief facts leading to second appeal are that the appellant vide his application dated 17/7/2018 had sought for certain information on 22 points as stated therein in the said application from Respondent No. 1 PIO. The said application was filed in exercise of his right under sub-section (1) of section 6 of RTI Act .
3. It is the contention of the appellant that he had requested to provide the said information within 48 hours interms of section

7(1) of RTI Act. It is the contention of the appellant that no reply was received from PIO within 48 hours neither a telephone call or SMS or any email was received by him calling upon him for collecting the information.

4. It is the contention of the appellant that he received a letter dated 9/8/2018, seeking some clarification pertaining to the dates and the year of the information sought by him.
5. It is contention of the appellant pursuant to the above letter of PIO, vide letter dated 11/8/2018 provided the clarification and the dates and year as sought by the PIO. It is the contention of the appellant that despite of providing such details no reply was received by him. As such he preferred first appeal on 19/7/2018 before Respondent No. 2.
6. It is the contention of the appellant that respondent NO. 2 First appellate authority did not bother to hear him nor disposed his first appeal within stipulated time. On the contrary he received the letter from the Respondent No.2 First appellate authority dated 14/8/2018 informing him that Respondent NO. 1 PIO has already responded to his application dated 17/7/2018 vide office letter dated 9/8/2018. As such it is the contention of the appellant that being aggrieved by such a lethargic and insensitive attitude of both the Respondent he is forced to approach this commission by way of second appeal.
7. By this appeal the appellant has prayed for direction to the Respondent PIO to furnish the information as also for penalty.
8. The notice of the appeal was served on both the parties, in pursuant to which the appellant appeared in person. Respondent No. 1 PIO Smt. Medha Desai appeared. Respondent no. 2 First appellate authority opted to remain absent. However the reply came to file on behalf of first appellate authority on 15/10/2018
9. The Respondent PIO during initial hearing submitted that the information was kept ready and the appellant was directed to

collect the same. She further submitted that since the appellant did not appear, the same could not be furnished to him. The PIO again volunteered to furnish the information free of cost during the present proceedings .

10. The appellant disputed the above statement of the PIO and denied of having received any intimation for collecting the information . He further submitted that he had sought the said information in the larger public interest as such he is ready and willing to accept the same. He further submitted that even though the said information was not furnished to him within 48 hours by the PIO , he has got no any personal grievance against PIO and he is ready to waive the relief of penal section sought by him interms of section 20 of RTI Act, if the correct information is now furnished to him.
11. Accordingly Respondent PIO filed her affidavit in reply on 15/10/2018 thereby providing point wise information and alongwith the certified copies of available documents. The copy of the same was furnished to the appellant and was directed to verify the same.
12. The appellant did not placed any grievance in respect to the information furnished to him on 15/10/2018 except information at point No. 19 and submitted that the two letters submitted to PIO by her office assistant of respective sections have not be furnished to him. It is the contention of the appellant that if the information is not available with their office pertaining grant of sanction for prosecution, the PIO ought to have transfer the said point to the PIO the Chief Secretary being the head of the Administration of Goa is bound to hold such information. He further contended that he has got no objection if the same is transferred now to the PIO of the concerned public authority.
13. The respondent No. 1 PIO agreed to transferred his application dated 17/7/2018 and the application dated 11/8/2018 clarifying the

dates and period of information sought pertaining to point No. 19 to the PIO of Office of Public Health Department interms of section 6(3) of RTI Act, 2005 and also agreed to furnish him those two letters received by her from her assistant furnishing her the said information.

14. Accordingly the PIO on subsequent date of hearing i.e on 16/10/2018 furnished the appellant the two letters and the copy of the application made by her to the PIO of office of Public health Department u/s 6(3) of RTI Act.
15. The available information on the records alongwith the enclosures since now furnished to the appellant, no intervention of this commission is required thereto for the purpose of furnishing information.
16. After the receipt of the affidavit-in-reply of the PIO and the information, the appellant submitted that he is not pressing for penal provisions and accordingly endorsed his say on the memo of appeal for waiving the penal section
17. In view of the submission and the endorsement made by the appellant I find nothing survives to be decided in the present appeal and the relief sought by the appellant becomes infructuous.
18. However before parting it is hereby observed that the Respondent No. 2 first appellate authority has not acted in consolence with the procedure laid down in the RTI Act. There is nothing placed on record by Respondent No. 2 First appellate authority that hearing was given to appellant. The respondent No. 2 also failed to pass an appropriate order in first appeal. Such an act on the part of First appellate authority is not in conformity with the provisions of RTI Act. The Respondent No. 2 First appellate authority is hereby directed to deal with RTI matter in accordance with the provisions as laid down in section 19(1) of RTI Act, 2005, henceforth.

With the above directions, the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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