

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 154/2018/SIC-II

Shri Jawaharlal T. Shetye,
Add: H. No. 35/A, Ward No. 11,
Khorlim, Mapusa Goa
Pincode : 403 507

..... Appellant

v/s

1. Public Information Officer,
Under Secretary to Hon'ble
Minister for Urban Development,
Secretariat, Porvorim – Goa.
2. The First Appellate Authority,
Additional Secretary,
General Administration Department,
Secretariat, Porvorim Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 05-09-2018

Date of Decision : 05-09-2018

O R D E R

1. Brief facts of the case are that the Appellant vide an RTI application dated 21/03/2018 sought certain information from the Respondent PIO, Office of Hon'ble Minister for Urban Development, Secretariat, Porvorim-Goa.
2. The information sought is at five points and the Appellant is seeking information on a representation filed by the Appellant himself dated 22/11/2017 inwards on 23/11/2017 requesting to revoke /cancel certificate dated 22/06/2010 issued in the name of Swapnil V. Shirodkar.
3. The information *inter alia* is regarding the Action taken on the above referred representation to furnish certified copies of all notings, correspondence, status and progress report, names, designations and office contact numbers of the officials entrusted the duties of processing the above referred representation dated 22/11/2017 made to the Hon'ble Minister.....

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.... for Urban Development which is self explanatory and presently with whom it is lying pending for further course of action and other such related information.

4. The PIO vide his reply No.MIN.US/LETTER/2018/214 dated 13/04/2018 furnished information in tabulation form. In point No. 1 & 3 it was stated that application has been taken note of by the Hon'ble Minister for Urban Development. In point No. 2, 4 & 5 it was stated that no records are available, in view of the reply point No.1.
5. Not satisfied with the reply the Appellant filed a First Appeal on 24/04/2018 and since the First Appellate Authority has not passed any Order, has thereafter approached the Commission by a Second Appeal registered on 25/06/2018 and has prayed to direct the PIO to furnish correct and complete information and to implements section 4 (1) b and 4(b) of the RTI Act 2005 in its true spirit.
6. During the hearing the Appellant Shri. Jawaharlal T. Shetye is present in person. The Respondent PIO, is represented by Ms. Maria Viegas, Sr. Assistant. The FAA, Shri. Amarsen W. Rane, Addl. Secretary (GA), Secretariat, Porvorim is present.
7. The Appellant submits that since no Order was passed by the First Appellate Authority (FAA), hence a Second Appeal was filed and that the matter be remanded back to the FAA so that an order on the First Appeal is passed. The Appellant further submitted that he be given a liberty to file a fresh Second Appeal case, only if aggrieved by the order of the First Appellate Authority (FAA).
8. The Commission accordingly directs the FAA to issue fresh notices to both the Respondent PIO and the Appellant within 30 days of the receipt of this order i.e latest by 16th October 2018. The FAA shall after hearing the parties decide the First Appeal purely on merits by passing an appropriate speaking order.

9. Needless to mention that the said First appeal case should be disposed off within 30 days from the date on which the parties attend on the date of the first hearing. In exceptional cases, the FAA may take 45 days, however where disposal of appeal takes more than 30 days, the FAA should record in writing the reasons for such delay.
10. It is open to the Appellant, if he is still aggrieved by the Order of the FAA to subsequently approach this Commission either by way of a Second Appeal u/s 19(3) or a Complaint u/s 18 as the case may be.

With these directions the appeal case stands disposed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-
(Juino De Souza)
State Information Commissioner**