

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 141/SIC/2015

Shri C.M. Fernandes,
Dr. Barbosa Bldg.,
Flat No./ 6, 2nd floor, Patrong,
Vasco-Da-Gama, Goa.

.....Appellant

v/s

1. First Appellate Authority,
Prof. N.S.Bhat, Goa University,
Taleigao Plateau, Goa.

2. The Public Information officer,
Dy. Registrar-Administration,
Goa University,
Taleigao Plateau, Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 28/10/2015

Decided on: 26/2/2018

ORDER

1. The brief facts leading to present appeal are that the appellant, Shri C. M. Fernandes by his application, dated 23/6/15 which was filed u/s 6(1) of The Right to Information Act , 2005 sought from Public Information Officer, Goa University , Taleigao Plateau, certain information on 4 points with regards to the civil suits filed by the Goa university and against Goa university , and details of the lawyers representing the Goa University along with the fees paid by the Goa University to those Lawyers .
2. The said application was responded by Respondent No.1 PIO herein on 17/7/2015 there by providing him information at point No. 1 and 2 and the information at point no. 3 and 4 was denied/ not furnished on the ground that the information was pertaining to the third party, which is exempted.

3. As the information as sought was at point No. 3 and 4 not furnished the appellant filed first appeal with the respondent No.1 First appellate authority.
4. The Respondent No. 1 First appellate authority by order, dated 1/10/2015 dismissed the said appeal by upholding the say of the PIO.
5. Being aggrieved by the action of both the Respondent, the appellant approached this commission in this appeal u/s 19(3) of the Act on 26/10/15 with the contention that information at point No. 3 and 4 is still not provided and seeking order from this commission to direct the PIO to furnish the said information as also the other relief.
6. Notices were issued to the parties. In pursuant to which the Appellant was represented by Advocate Raghunath Shetkar and respondents were represented Advocate H. Modi along with Advocate D. Bakal.
7. Reply filed by the respondent on 26/2/2018. Copy of the reply is furnished to the advocate for the appellant
8. Advocate R. Shetkar during the argument submitted that no reasoning was given in the reply dated 17/7/2015 and reply dated 8/9/2015 by the PIO for the denial of the said information to the appellant. He further submitted that the Goa university is managed and runned by public money and said fact have been conceded by the Respondent PIO in his reply dated 8/9/2015. It is his further contention that he had sought the said information in a larger public interest as a public money is involved for which the Goa University must be accountable. It was further submitted that the Goa University is a public authority and ought to take due care and diligence in spending money allotted to it as the same runs with the government finance. Advocate further

submitted that vide replies dated 17/7/2015 and 8/9/2015, PIO have provided the information at point 1 and 2 as such they ought to have provided the other details to .

9. Advocate for the Respondent and also by their reply contended that SMS was sent by the counsel for the University to the legal assistant of the university conveying objection to release the information sought by the appellant. It is further contended that the disclosure of third party information is warranted in only larger public interest, as such it was for the appellant to specify as to what is the public interest involved in seeking the said information. It was further contended that the information sought by the appellant if disclosed, it will amount to invasion of the privacy of counsel of the university, who is private practitioner & therefore the information cannot be disclosed with any cost. It was further contended that the Goa University has correctly taken into account the payments to the counsel for the Goa University, as the same are approved by the executive counsel. It is contended that there is no misuse of Goa University funds.
10. I have scrutinize the records available in the file so also the submissions made by both the parties.
11. The appellant at point No. 3 has sought the names, addresses. and the number of lawyers engaged by the Goa University in the civil suit where Goa University is the Party and at point no. 4 the appellant has sought the information regarding the fees paid case wise from time to time for each of the lawyers in various civil suits wherein Goa University is the party from January 2009 till the date of application.
12. I am of the opinion that the names , addresses and other details of the lawyers engaged by the Goa University appearing in the civil suits is qualified to be exempted u/s 8(e) and 8(j) of the RTI Act . Never the less the appellant is entitled to know

the total number of lawyers engaged by Goa University appearing in the Civil suit.

13. since the case wise list of the civil suit is already provided to the appellant, as such the fees paid to the lawyers in each case without disclosing the names and other details of said lawyers who were appearing for the said Civil suit can be furnished. The appellant is entitled to get the same information Since the public exchequer and public activity is involved herein and the Goa University is duty bound to disseminated the said information in order to bring transferecy in the affairs of the Goa University.
14. In the above given circumstances, I feel the ends of justice will meet with following order .

O R D E R

1. Appeal partly allowed.
2. The PIO is directed to provide part of information at point No. 3 i.e the total number of lawyers engaged by Goa University to represent them in Civil Suit.
3. The PIO is also directed to provide the information at point NO. 4 i.e . the amount of fees paid in each case by the Goa University to the lawyers representing them in various civil suit. Both the above information should be provided without disclosing the names, addresses and other personal details of the said lawyers

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

Ak/-