

# GOA STATE INFORMATION COMMISSION

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

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

**Appeal No. 168/2017**

**Engineer Rabindra A. L. Dias,  
 Dr. Pires Colony, Block "B",  
 Cujira, St. Cruz, Tiswadi-Goa**

**.....Appellant**

**V/s**

**1. The Public Information Officer,  
 O/o. The Deputy Collector and S. D.O.,  
 Mathany Saldanha Administrative Complex,  
 Margao, Salcete-Goa**

**2. The First Appellate Authority,  
 O/o. the Additional Collector-I,  
 Mathany Saldanha Administrative Complex,  
 Margao, Salcete-Goa**

**..... Respondents**

**Filed on: 17/10/2017**

**Decided on: 14/03/2018**

## **ORDER**

1. Facts leading to the present appeal are that the appellant Shri Engineer Rabindra A. L. Dias by his application dated 21/03/2017 had sought for authenticated photo copies of the records pertaining to case no. SDO/SAL/MUND/PUR-CERT/22/2010/5020 pertaining to the Goa Daman and Diu Mundkar (protection from Eviction) Act 1975 in survey No. 67/3 (Part) situated at Sernabatim Village, Salcete Taluka, Goa. So also had sought for the inspection of records from the Public Information Officer (PIO) of Office of Deputy Collector and SDO at Margao, Goa. The said information was sought under section 6(1) of the Right to Information Act, 2005.
2. It is contention of the appellant that the said application of his was not responded by the Respondent PIO as such he preferred first appeal on 11/05/2017 with the Respondent No. 2 herein

and the Respondent No. 2 First Appellate Authority (FAA) by an order dated 13/06/2017 disposed the said appeal with directions to the Respondent PIO for furnishing appellant the copy of the records pertaining to case No. SDO/SAL/MUND/PUR-CERT/22/2010 /5020 IN SURVEY No. 67/3 (Part) situated at Seraulim Village of Salcete Taluka Respondent No. 2 FAA also directed PIO to forward the RTI application to the Mamlatdar of Salcete.

- 3.** It is case of the appellant that he received a letter dated 30/06/2017 without enclosing copies of the information as such he vide letter dated 9/08/2017 brought to the said fact to the notice of PIO. According to appellant his above letter was responded by the PIO on 14/08/2017. However according to the appellant the same was misleading.
- 4.** Being aggrieved by the action of Respondent PIO the appellant have approached this Commission on 16/10/2017 by way of second appeal filed under section 19(3) of the RTI Act thereby seeking relief of directions to the PIO for furnishing him information free of cost and for invoking penal provision.
- 5.** In pursuant to the notice of this Commission appellant appeared only once on 19/02/2018 and other date of hearing he opted to remain absent. On behalf of PIO then PIO Shri Uday Prabhudasai was present on 03/01/2018 and on 9/02/2018 present PIO Shri Paresh Faldesai appeared and filed his reply alongwith the enclosures.
- 6.** Vide reply he has contended that as per directions of the FAA the office has already provided the appellant whatever information available in the file on 30/06/2017 and also forwarded the application to the Mamlatdar of Salcete for

furnishing him the information. Copy of reply could not be furnished to appellant on account of his absence. However, Appellant was given opportunity to collect the reply filed by PIO.

- 7.** Thereafter since both the parties were absent. Opportunities were accorded to them to argue the matter. Since no one remained present and nor showed any further interest in the said proceedings the matter had to be decided based on the available records.
- 8.** It is seen from the records that second appeal is not filed within limitation by the appellant. The application regarding condonation of delay is filed without mentioning any genuine reasons nor supported by any documents neither the affidavit of the appellant is placed on record. However considering intent of the RTI act and also in the interest of justice even though there is delay of one month in filing appeal, the Commission decided to dispose the appeal based on the merits.
- 9.** The appellant on 19/01/2018 submitted that the then PIO Uday R. Prabhudesai has furnished him documents which are not duly certified as such this Commission directed appellant to produce the said information for purpose of verification. Despite of such directions the appellant failed to produce the same before this Commission for verification of the said information.
- 10.** The present PIO on 9/02/2018 submitted that if the appellant produce before him the said copies of the information he is willing to certify the same.
- 11.** In the above given circumstances as the copies of the documents are already furnished to the appellant by the then PIO, I feel ends of justice will meet with following order.

ORDER

- a) Appeal is partly allowed.
- b) The appellant is hereby directed to produce before the present PIO copies of the information furnished to him by then PIO Shri Uday R. Prabhudesai within 15 days from the receipt of the order and the present PIO hereby directed to verify the said information visa vis their records and then to certify the same.
- c) The then PIO hereby directed to be vigilant henceforth while dealing with RTI matters and to respond the application in terms of section 7(1) strictly within stipulated time as contemplated under the RTI Act and any such lapses in future shall be viewed seriously.
- d) The appellant is hereby directed to prefer the second appeal within stipulated time period as contemplated under section 19 (3) of RTI Act 2005.

Appeal disposed accordingly. Proceeding stands closed.

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.

Proceeding stands close.

Sd/-

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

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