

**GOA STATE INFORMATION COMMISSION**

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

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**Appeal No. 211/2018/SIC-I**

Mr. Alysius Azaredo,  
Alcalaya Building, Church Road,  
Marol, Andheri (East),  
Mumbai-400 059.

....Appellant

V/s

1) The Public Information Officer,  
Office of Goa Coastal Zone Management Authority,  
1<sup>st</sup> floor, Deendayal Upadhyay Bhavan,  
Pundalik Nagar, Porvorim.

2) First Appellate Authority,  
The Member Secretary,  
Goa Coastal Zone Management Authority,  
1<sup>st</sup> floor, Deendayal Upadhyay Bhavan,  
Pundalik Nagar, Porvorim.

.....Respondents

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

**Filed on: 04/09/2018**

**Decided on:09/10/2018**

**ORDER**

1. The appellant, Mr. Alysius Azaredo has filed the present appeal praying that the information as requested by him in his application dated 7/3/2018 be furnished to him correctly and completely and for invoking penal provisions against the Respondent Public Information Officer (PIO).
2. The brief facts leading to the present appeal are as under:-
  - a. The appellant vide his application dated 7/3/2018 addressed to Respondent No. 1 PIO, of Office of Goa Coastal Zone management Authority, Porvorim, Bardez-Goa requested to furnish certain information on 2 points as stated therein in the said application. The said application was filed by the appellant with the Respondent No. 1 PIO in exercise of his right u/s 6(1) of Right To Information Act, 2005.
  - b. It is contention of the appellant that he has not received any reply from the PIO nor any information furnished to him within stipulated time of 30 days.

- c. As the information as sought was not furnished the appellant filed first appeal before the Member secretary, GCZMA who is Respondent No. 2 herein on 3/5/2018 being First Appellate Authority (FAA).
  - d. According to the appellant his said first appeal was not taken up for hearing by the Respondent No. 2 First Appellate Authority (FAA), neither passed any order within stipulated time as contemplated u/s 19(1) of the RTI Act, 2005.
  - e. As no information was received by the appellant and he being aggrieved by the action of both the Respondents, the appellant approached this Commission in this second appeal u/s 19(3) of the Act, on 30/8/2018 with the contention that the information is still not provided and seeking order from this Commission to direct the PIO for providing him information as sought by him free of cost and for imposition of penalty on PIO for a delay in furnishing the information.
3. In pursuant to the notice of this Commission the appellant was present in person. The Respondent PIO was represented by Advocate V. Gracious. Respondent No. 2 Shri Ravi Jha was present in person.
4. Advocate for respondent No. 1 PIO filed reply on 09/10/2018 thereby furnishing pointwise information along with the enclosures. The respondent No. 2 also filed his reply. The copy of both the replies was furnished to the Appellant .
5. Vide reply the Respondent No. 1 PIO have contended that he had furnished the information to the appellant by ordinary post and the copy of the letter dated 13/4/2018 and the extract of outward register was enclosed in support of their contention.
6. The Respondent No. 2 vide his reply contended that after proceeding on official training and leave he joined back on

14/5/2018 and the first appeal filed by appeal on 3/5/2018 remained unattended due to the transition of transfer and it was never brought to his notice by the his staff. He further contented that there were no wilful defiance or nor compliance of provisions of RTI Act 2005.

7. Since the copy of the letter dated 13/4/2018 answering both the queries of the appellant as sought by him vide his application dated 7/3/2018 was enclosed to the reply of respondent PIO, the appellant was directed to verify the same.
8. On verification of the information by the appellant, he submitted that he is satisfied with the same and he does not desire to press for invoking penal sections. Accordingly he made his endorsement on the memo of appeal.
9. Since now the complete information has been provided to appellant free of cost, the relief sought by the appellant at prayer (1) becomes in fruituous.
10. On going through the entire records of the present file it is seen that there is delay in responding the application. The Respondent PIO have failed to respond the said application filed by Appellant u/s 6(1) of RTI Act, 2005 within stipulated time of 30 days as contemplated u/s 7(1) of RTI Act. The respondent No. 2 First appellate authority has tried to justified for not hearing the first appeal and for not passing any appropriate order.
11. The said act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose the application u/s 6(1) of RTI Act, 2005 within 30 days and to dispose first appeal maximum within 45 days. The Act on the part of both the Respondent is not in conformity with the provisions of RTI Act, 2005. Hence both the Respondent are hereby directed to comply with the provision of RTI Act in true spirit henceforth.
12. As the appellant is in receipt of the information and in view of the submissions and the endorsement made by the appellant, I find

that nothing survives to be decided in the present appeal proceedings hence with the direction given above at para 11, 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