

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

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**CORAM: Shri Juino De Souza : State Information Commissioner**

Appeal No.171/2018/SIC-II

Shri Rajeev Gomes,  
Add:office No.3 Maria Luiza Plaza,  
Abade Faria Road,  
Margao-Goa 403 601.

**..... Appellant**

v/s

1. Public information Officer,  
Shri C.J. Prasannakumar,  
V.V.M's Govind Ramnath Kare  
College of Law,  
Comba, Margao-Goa.

2. First Appellate Authority,  
Dr. Saba V.M. Da Silva,  
V.V.M's Govind Ramnath Kare  
College of Law,  
Comba, Margao-Goa.

**..... Respondents**

**Relevant emerging dates:**

Date of Hearing : 21-09-2018

Date of Decision : 21-09-2018

**O R D E R**

1. Brief facts of the case are that the Appellant herein vide an RTI application dated 23/03/2018 as per section 6(1) of the RTI Act sought certain information at 17 points from the Respondent PIO, VVM's Govind Ramnath Kare College of Law, Margao, Goa.
2. The PIO, vide reply no GRKCL/RTI/2018-19/13 dated 20/04/2018 as per section 7(1) furnished information point-wise and requested the Appellant to collect the information consisting of 900 pages on payment of Rs. 1800/- from the APIO on 23<sup>RD</sup> September 2018.
3. The case of the appellant is that the said information was collected after making the necessary payment of fees, however not being satisfied with the information furnished by the PIO, the Appellant filed a First Appeal on 21/05/2018.

4. The Appellant thereafter finding that First Appellate Authority (FAA) has not passed any Order within the mandatory time period, subsequently approached the Commission by way of Second Appeal registered on 13/07/2018 due to deemed refusal and has to prayed to direct the respondent PIO to furnish the information to the Appellant free of cost at serial no 1,2,3,5,7,9,10,11,12,13, and 14 and for imposing penalty and other such reliefs.
5. During the hearing the Appellant Shri Rajiv Gomes is present in person. The Respondent PIO, C.J.F. Prassanakumar is present in person. Dr. Saba V.M. Da Silva, Principal of the Public Authority is also present.
6. Shri Rajiv Gomes submits that he filed the Second Appeal because the First Appellate Authority (FAA) has not passed any Order on the First appeal within the mandatory 45 days and also because the PIO has not furnished correct and complete information.
7. Shri Rajiv Gomes further submitted that a copy of the Order dated 31/07/2018 passed by the First Appellate Authority (FAA) was handed over by the PIO only during the hearing held before the Commission on 23/08/2018 and that he is aggrieved by the said Order and wishes to challenge the same by way of a Second Appeal before this Commission.
8. The Respondent PIO submits that he has already furnished a reply dated 20/04/2018 within the mandatory 30 days period and that the Appellant has collected the information of 900 pages on payment of the fees Rs. 1800/-. It is also submitted that the First Appellate Authority (FAA) has passed an Order dated 31/07/2018 and which was posted to the Appellant and also a copy handed over during the hearing in the Commission on 23/08/2018. The PIO files a reply confirming the facts which is taken on record and a copy served on the other side.

9. Dr. Saba V.M. Da Silva, Principal in his submissions states that he was not the FAA and that records indicate that Smt. Goretti Simoes e Morais, Asstt. Prof. and Head of the Department has by an order dated 31/07/2018 disposed off the First appeal and as such he be dropped from the proceedings. Dr. Saba V.M. Da Silva, files a reply dated 21/09/2018 confirming the facts which is taken on record and a copy is also served on the other side. The Commission accordingly drops the name of Dr. Saba V.M. Da Silva from the proceedings and which is substituted by Smt. Goretti Simoes e Morais as the FAA.
10. The Commission after hearing the respective parties and perusing the material on record including the order of the first appellant finds that the appellant had filed the second Appeal only due to fact that there was no Order passed by the FAA within the mandatory time period.
11. The Appellant in his submissions has raised the issue of deemed refusal as the order of the FAA is passed after an inordinate delay. The Commission after perusing the order of the FAA finds that some reasons have been recorded for the delay caused.
12. The Order of the FAA states that the appellant on 19/06/2018 had alleged that the Head of the institution is an interested party to the said appeal and the First Appeal should not be heard by him and that he should appoint another person to decide the same and accordingly on 23/06/2018 the then FAA appointed Smt. Goretti Simoes e Morais as the FAA and consequently a notice was issued to both parties to appear on 5<sup>th</sup> July 2018.
13. The said Order further states that on this date, the appellant through his counsel sought extension of time and the next date given was the 10<sup>th</sup> July 2018. However due to personal difficulties the matter was rescheduled to 14<sup>th</sup> July 2018 and notice to the parties was issued on 6<sup>th</sup> July 2018 and the appellant failed to appear on 14/07/2018 and thus the matter was adjourned to 27/07/2018.

14. This time also the appellant did not put up an appearance and on the same day a letter was sent by the Appellant informing that a Second Appeal is already filed due to inordinate delay in disposing off the First Appeal within the statutory period. The FAA has computed that as per 30 days required u/s 19(6), the appeal should have been disposed on 4<sup>th</sup> July 2018, however the delay is due to change in FAA and further since the Appellant had sought time, the appeal was not being disposed.
15. The Commission finds that the appellant, through his counsel had appeared on 05<sup>th</sup> July and sought an adjournment and the next date given was 10<sup>th</sup> July, but due to personal difficulty the matter was rescheduled by the FAA to 14<sup>th</sup> July 2018. As such the appellant should have either appeared on 14<sup>th</sup> July or else informed the FAA that he opts to remain absent as this would facilitate the FAA to dispose off the First Appeal in the absence of the Appellant, but instead the appellant rushed and filed a Second Appeal on 13/07/2018 i.e one day before the date of hearing on 14/07/2018.
16. In view that the FAA has recorded justifiable reasons for the delay caused and finally as the FAA has been passed an Order in the First Appeal on 31/07/2018, **the present Second Appeal case stands dismissed as having been rendered infructuous.**
17. The Appellant has submitted that he wishes to challenge the order of the FAA. Accordingly liberty is granted to the Appellant to file a fresh Second Appeal before this Commission within 90 days from the date of this Order (latest by 31<sup>st</sup> December 2018), if he so desires.

With these observations all proceedings in the present Second appeal stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of order be given free of cost.

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

