

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

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

**Appeal No. 216/SIC/2016**

Adv. Vaman S. Gaitonde,  
Office no.F-3, St. Peters Building,  
Nr. Old Mapusa Clinic,  
Mapusa, Bardez – Goa. 403507

..... **Appellant**

**v/s**

- 1.Public Information Officer,  
Secretary, V.P Calangute,  
Bardez - Goa
- 2.The First Appellate Authority,,  
Block Development Officer,  
O/o Block Development Officer,  
Mapusa, Bardez - Goa

..... **Respondents**

**Relevant emerging dates:**

Date of Hearing : 08-08-2018

Date of Decision : 08-08-2018

**ORDER**

1. **BRIEF FACTS** of the Case are that the Appellant vide an RTI application dated 31<sup>st</sup> May 2018 sought certain information u/s 6(1) from the Respondent PIO, Secretary, V.P Calangute-Goa.
2. The information is with respect to file inward no 1805, with file no F-13, dated 16<sup>th</sup> July 2010, filed by one Mrs Joyce Solomon Daniel (Application dated 13<sup>th</sup> July 2010). It is seen that the information is asked on seven points in the form of asking questions by using the word 'whether' and the Appellant is *inter alia* seeking to provide copy of the above said application and documents submitted to the office, whether any kind of notice/letter was issued to the above parties Mrs Joyce Solomon Deniel, whether any process fee has been paid(if paid to provide a copy of the same), whether any site inspection was carried out, whether any action have been taken by this office, whether any document/license, etc. have been furnished till date, whether there is any prescribed time limit to issue such licence and if yes than kindly enlighten, as to how may. ...2

2. It is the Case of the Appellant that as the PIO has failed to furnish any reply or information as per section 7(1), as such the Appellant filed a First appeal on 12<sup>th</sup> July 2016 and the First Appellate Authority (FAA) held a hearing on 27/07/2016 and by a further hearing held on 03/08/2016 allowed the First Appeal as per detailed Judgment and Order and pronounced the Order in open court and closed the proceedings stating that the Order to be communicated to the parties.
3. Being aggrieved that no information has been furnished despite the FAA allowing the appeal, the Appellant has approached the Commission by way of a Second Appeal dated 12/10/2016 and has prayed to direct the PIO to furnish information and for penalty and other reliefs
4. **HEARING:** This matter has come up for hearing on numerous previous occasions and thus by consent of the parties is taken up for final disposal. During the hearing then Appellant is present in person. The Respondent PIO is represented by Advocate S.P. Patkar.
5. **SUBMISSIONS:** The Appellant submits that as the PIO had refused information, a First appeal was filed on 12<sup>th</sup> July 2016 and the First Appellate Authority (FAA) held hearing on 27/07/2016 and by another hearing held on 03/08/2016 had allowed the First Appeal and directed the PIO to furnish information by pronouncing the Order in open court and had closed the proceedings by stating that the Order to be communicated to the parties, however there is no Order yet received by him the Appellant.
6. Per Contra Adv S.P Patkar for Respondent PIO submits that if such is the case that the Appellant has not received the order of the FAA, then the matter may be remanded back to First Appellate Authority (FAA) for passing a fresh Order. The Appellant is also agreeable and has no objection of the matter is remanded the matter back to the FAA.

7. **FINDINGS**: The Commission on scrutinizing the file indeed finds that there is no Order of First Appellate Authority on record of the file and as such by consent remands the matter back to the FAA.
8. **DECISION**: The FAA is directed to issue fresh notices to the parties i.e. both the Respondent PIO and the Appellant in the above appeal case within 30 days of the receipt of this order in any case latest by 20th September, 2018. The FAA shall after hearing the parties decide the First Appeal on merits by passing an appropriate speaking order giving justification for the decision arrived at.
9. If the FAA comes to the conclusion that the Appellant should be supplied information by the PIO, then he may either i) pass an order directing the PIO to give such information to the appellant or ii) he himself may give information to the appellant while disposing off the First Appeal. The present FAA should also verify if any detailed Order / Judgment was passed by the former FAA in the First appeal case BDO-BAR/RTI/117/2015-16 as has been mentioned in the proceeding sheet at the hearing held on 03/08/2016 and if the same is available, copies should be handed over to the Appellant and Respondent at the time of hearing for its implementation.
10. It is open to the Appellant if he is still aggrieved by the order of the FAA to 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**

