

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

Shri Prashant S. P. Tendolkar,
State Chief Information Commissioner,

Appeal No. 128/2018/CIC

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 Superintendent of Survey & Land Records,
Mathany Saldanha Administrative Complex,
Margao, Salcete-Goa.
- 2) The First Appellate Authority,
O/o Directorate of Survey & Land Records,
Panaji-Goa.Respondents

Date:13/11/2018

ORDER

- 1) This order shall dispose the application dated 21/05/2018 filed by appellant herein for condonation of delay caused in filing the present second appeal.
- 2) The fact in brief as pleaded in the appeal memo are that the appellant filed his application on 19/06/2017 u/s 6(1) of The Right to Information Act 2005 (Act) seeking certain information. The same was responded by PIO on 6th July 2017. The appellant being aggrieved by said reply dated 06th July 2017 filed first appeal to respondent no.2 being First Appellant Authority (FAA).

According to appellant as the hearing of the first appeal was rescheduled after 67 days, he objected the hearing of the said first appeal by FAA by his application dated 22/12/2017.

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Being aggrieved by the response of PIO and the conduct of FAA in not disposing first appeal this time, the appellant has filed second appeal before this commission u/s 19(3) of the Act along with the application for condonation of delay.

- 3) It is an undisputed fact that section 7(1) of the act provides 30 days time to the PIO to decide the application filed u/s 6(1) by a seeker. The act also provides thirty days to file first appeal u/s 19(1) from the date of reply by PIO or expiry of 30 days. In the present case the reply of PIO was received by appellant on 06th July 2017. The first appeal was filed only on 16/10/2017, which otherwise u/s 19(1) of the Act, was required to be filed on or before 07th August 2017. The first appeal was thus patently bared by limitation as prescribed. The FAA, without considering the delay proceeded with the hearing.
- 4) Be that as it may, according to appellant the first appeal was filed on 16/10/2015 and hence was required to be decided within 45 days therefrom i.e. on or about 3rd December 2017. In such case the time limit of 90 days to file second appeal would set in on 46th day from 16/10/2017 i.e. on or before 3rd December 2017 so that the second appeal u/s 19(3) was required to be filed within 90 days from 16/10/2017 which expires somewhere on 02nd March 2018. As against this date the appellant has filed this second appeal on 21/05/2018, which is about 77 days after the said date.

Even by considering the date of application filed by appellant before FAA, objecting further hearing as 22/12/2017 the date of filing second appeal to this commission would expire some whereon 23rd March 2018.

- 5) The appellant has filed application for condonation of delay accompanied by two medical certificates said certificates, even if assuming same as authentic, the appellant was advised rest for the period of one week from 02/02/2018 i.e. upto say 10/02/2018 and thereafter from 06/03/2018 to 10/03/2018. The application for condonation does not explain as to why the appeal was not filed immediately after rest period i.e. in between 10/02/2018 till 06/03/2018 or even after 10/03/2018, till 21st May 2018.
- 6) Considering the above grounds I find that the delay in filing the appeal is not explained and justified. Thus I find no merits in the said application. The said application is therefore dismissed. Consequently the appeal also stands dismissed.

Pounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji –Goa