

GOA STATE INFORMATION COMMISSION

‘Kamat Towers’ Seventh Floor, Patto, Panaji – Goa

Shri. Prashant S. P. Tendolkar ,

State Chief Information Commissioner

Appeal No.201/SCIC/2017

Shri Rabindra A.L Dias,
Dr. Pires Colony, Block “B”,
Cujira, St. Cruz, Tiswadi-Goa. Appellant

V/s

The Public Information Officer,
O/o the Margao Municipal Council,
Govt. of Goa,
Margao Salcete-Goa. Respondent

Filed on : 24/11/2017

Disposed on: 16/4/2018

1) FACTS IN BRIEF:

a) The appellant herein by his application, dated 24/12/2014 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under several points therein.

b) The said application was transferred on 2/5/2017 to the PIO herein, who by letter, dated 31/5/2017 directed the appellant to pay the fees and collect the required information.

c) The appellant considering the said response as denial of information appealed to the First Appellate Authority (FAA) who by order, dated 1/8/2017 upheld the response of PIO.

d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 13/2/2018, filed reply to the appeal . In view of the absence of the parties inspite of opportunity no arguments could be heard. The appeal is therefore taken up based on the records.

2. FINDING:

a) On perusal of records and considering the sequence of events and notwithstanding the fact that the original application was filed in 2014, it is seen that the part of the application for information was transferred to PIO herein U/S 6 (3) of the act on 2/5/2017. The same was responded on 31/5/2017 within the stipulated time. Thus I find that the PIO herein has adhered to the compliance of section 7(1) of the act. The demand of fees by the PIO was thus justified.

b) It is the contention of appellant that the imposition of fees was beyond the act. I am unable to accept the same. If the appellant mean to say that it is considering the date of original application i.e 24/12/2014 as the date of application u/s 6(1), then after the period of 195 days the proceeding under said application would be redundant. This period of 195 days is calculated on the bases that the seeker is granted 30 days to seek response from PIO, thereafter 30 days for filing first appeal, 45 days for disposal of first appeal and 90 days for

filing second appeal. If such time is not maintained the proceeding would lapse thereafter. In the present case the application dated 24/12/2014 thus has lapsed after 195 days thereafter. Hence I fail to understand as to why and how the application was again dealt with by addressee PIO after the lapse of proceedings by transferring to PIO herein.

c) Even otherwise considering the transfer of the application to PIO herein, the response was in time and the PIO herein was within his powers to demand the fees. Hence the grounds raised by appellant in his appeal has no bases.

Considering the above facts I find no merit with the appeal and hence I proceed to dispose the appeal with the following:

ORDER

The appeal is dismissed. Notify parties.

Proceeding closed

Pronounced in open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)
State Chief Information commissioner
Goa State Information Commission
Panaji-Goa