

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

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

**Complaint No:07/2018**

Sushant P. Nagvenkar,  
House No C-312, Fondvem,  
Ribandar, Goa – 403 006.

**..... Complainant**

v/s

**Public Information Officer,**  
A. S. Mahatme,  
Asst. Registrar of Co-op. Societies,  
Central Zone,  
Near Municipal Market,  
Panaji – Goa.

**..... Respondents**

**Relevant emerging dates:**

Date of Hearing : 24-07-2018

Date of Decision : 24-07-2018

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**O R D E R**

1. Brief facts of the case are that the Complainant vide an RTI application dated 21/04/2017 sought certain information about Bambolim Co-operative Housing Society Ltd. The information sought is at three points and *inter alia* relates to the list members of the Society since inception, copy of the approved plan of Sub-Division available with this authority on record and copies of all the documents like resolution, minutes of the meetings pertaining to the process of allotment of plots to the members with the members wise plots wise allotment list.
2. It is seen that the PIO vide reply No.ARCS/CZ/RTI ACT/2006/26/173 dated 08/05/2017 informed the Appellant under section 7(1) that information at point No.1 is ready, information at point No.2 is not available in the office and information at point No. 3 is also ready. The Appellant has collected information at points 1 & 3 and is not satisfied with the reply given at point no 3 that information is not available in the records.

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3. Not satisfied with the reply and with information furnished therefore, the Complainant filed a First Appeal on 06/06/2017 and it is the case of the Complainant that the First Appeal was not attended and that vide a letter No.ARCS/CZ/RTI ACT/2006/26/380 dated 04/07/2017 the PIO, informed the Appellant to file the First Appeal before the appropriate authority.
4. The Complainant being aggrieved with such letter from the PIO has subsequently approached the Commission in a direct Complaint case registered with this Commission on 05/02/2018 challenging the letter of the PIO dated 04/07/2017 and has mentioned in paragraph 3 that the PIO had an obligation to forward the said Appeal for the designated FAA as per section 5 (2) of the Act and the PIO by sending the said letter is causing undue hardship and which is done with a malafide intention. The Complainant has prayed to call for the record and also to penalize the Opponent as appropriate.
5. During the hearing the Complainant the Sushant P. Nagvekar is present in person. The Respondent PIO, Shri Mahadev Kalangutkar, Asst. Registrar of Co-op. Societies, Central Zone is present alongwith APIO, Shri. Chandan T. P. Co-operative Officer.
6. At the outset the Complainant submits that although he has filed First Appeal and had inadvertently submitted the same to the O/o the Assistant Registrar of Co-operative Societies who was also the PIO, it was the bounden duty of the said PIO to have forwarded the same to his superior who is the Head of the Department being the designated FAA and which he has not done and by sending a letter he has cause unnecessary delay and hardship.
7. The Respondent PIO submits that the PIO at that point of time was Mr. A. S. Mahatme and as such he has not dealt neither with the RTI application nor has issued the said letter and is not in a position to offer his comments..

8. The Commission agrees with the submissions of the Complainant and finds that although the Complainant had lodged his First Appeal in the office of the public authority with the office of the PIO through oversight and inadvertently, it was the bounden duty of the PIO to have forwarded the same to his superior who is the First Appellate Authority and who is also located in the same office.
9. As there is no Order passed by the First Appellate Authority. The Commission accordingly directs the present PIO to forward the First appeal dated 06/06/2017 filed by the Complainant to his superior, the Registrar of Coop Societies who is the First Appellate Authority (FAA) within 15 days of the receipt of this Order. The FAA will issue fresh notices to the parties i.e. both the Respondent PIO and the Appellant within 30 days thereafter and shall after hearing the parties decide the First Appeal on merits by passing an appropriate speaking order.
10. The said First appeal should be disposed off within 30 days from the date on which the parties attend the on the date of the first hearing. In exceptional cases, the FAA may take 45 days, however where disposal of appeal takes more than 30 days, the FAA should record in writing the reasons for such delay. If the FAA comes to a conclusion that the appellant should be supplied information by the PIO, then he may either pass an order directing the PIO to give such information to the appellant. It is open to the Complainant herein, if he is still aggrieved by the order of the FAA to approach this Commission either by way of a Second Appeal or a Complaint u/s 18 as the case may be.

**With these directions the Complaint 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**

