

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

Appeal No.105/2019/SIC-I

Ms. Pearl Chitra Bemvinda Da Costa,
R/o E001, Kurtarkar Gardens,
Central Block,
Gogal, Margao-Goa.
V/s

....Appellant

1)Public Information Officer/APIO,
Deputy Zonal Head,
Corporation Bank, Panaji-Goa

2)First Appellate Authority,
The Asst. General Manager,
2nd floor, Jeevan Vishwas,
LIC Building, EDC Complex,
Patto, Panaji-Goa

.....Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 25/04/2019
Decided on: 17/05/2019

ORDER

1. The second appeal came to filed by the appellant Ms. Pearl Chitra Bemvinda Da Costa on 25/04/2019 against the Respondent No. 1 Public Information Officer (PIO), of the Corporation Bank, Deputy Zonal office, Panaji-Goa and as against the Respondent No. 2 First Appellant Authority.
2. The brief facts leading to the second appeal are that the appellant vide her application dated 24/10/2018 send through register AD post, had sought for the certain information from the Respondent No. 1 PIO of the office of Corporation Bank, Zonal Office, Panaji-Goa, on 5 points relating to the appellant lease quarters for period from August 2013 to September 2018 as listed therein, in exercise of her right under sub section (1) of section 6 of RTI Act, 2005.
3. It is the contention of the appellant that she received a mailed reply dated 21/11/2018 by post on 24/11/2018 wherein the

information point no. 1 was provided to her and the rest were denied to her in terms of section 8(1) (e) of the RTI Act, 2005 being confidential in nature and held in a fiduciary capacity by the bank.

4. It is a contention of the appellant that she being not satisfied with the reply of PIO and as complete requisite information sought was not furnished to her, as such deeming the same as rejection, she preferred first appeal on 21/12/2018 before the Manager of corporation bank being the First Appellate Authority in terms of section 19(1) of RTI Act, 2005.
5. It is a contention of the appellant that she was never served with any summons by the respondent no. 2 FAA for appearance before it, as required by the provisions laid down in the RTI Act, 2005 as such she made personal enquiry on or about 25/01/2019 about the said first appeal filed with respondent no. 2 First Appellant Authority but they did not provide any satisfactory answer to it.
6. It is the contention of the appellant that she received the order dated 25/01/2019 of the Respondent No. 2 First Appellant Authority on 28/01/2019 by register post wherein her appeal was disposed by upholding the say of PIO.
7. In this background, the appellant being aggrieved by the action of respondent no. 1 PIO and Respondent No. 2 First Appellant Authority has approached this commission in the present proceedings as contemplated under sub section (3) of section 19 of RTI Act, 2005 on the grounds raised in the memo of appeal and with the contention that the complete information is still not provided and seeking relief for direction to Respondent PIO for providing her information, free of cost and for invoking penal provisions as against both the respondents.
8. The matter was taken up on board and was taken up for hearing after intimating both the parties. In pursuant to notice of this

commission, appellant appeared in person along with Advocate C. Mascarenhas. Respondent PIO Shri Avresh Thakur represented by legal officer Shri Vijay Shankar. Respondent No. 2 First Appellant Authority Ms. S. Annapurna was present. Reply filed by the PIO on 17/05/2019 resisting the appeal. Copy of the same was furnished to the appellant.

9. Vide reply the respondent contended that they are body corporate constituted under the provisions of Banking companies (Acquisition and transfer of undertaking) Act, 1980. And as per section 2(a)(1) of the RTI act, 2005, the appropriate government for the respondent is Central Government and therefore the second appeal should have been filed before Central Information Commission as per section 19(3) of RTI Act, 2005. And on above ground respondent prayed for dismissal of the present appeal being not maintainable.
10. The appellant submitted that the Respondent No. 2 First Appellant Authority since did not specify in her order regarding the details of the second appellate authority, she bonafidly believed that appeal lies with this commission and approached this commission in her second appeal.
11. I have considered submission made on behalf of both the parties and also scrutinized the records available in the file.
12. The respondent authority being constituted under the provisions of Banking companies (Acquisition and transfer of undertaking) Act, 1980, which is the central act and therefore the respondent comes under the jurisdiction of Central Information Commission for RTI matters. Hence I am of the considered opinion that the present appeal filed by the appellant herein cannot be entertained by this commission for lack of jurisdiction. However considering the intent of the RTI act and also in the interest of justice, I find the ends of justice would meet with a appropriate directions.

I therefore proceed to dispose the present appeal with the following:

Order

The original case papers in appeal no. 105/2019 be transferred to the Central Information Commission at Delhi by retaining Xerox copies in the file.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa