

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

Appeal No.115/2019/SIC-I

Ligorio Pereira
Through Power of Attorney,
Joao C. Pereira,
h.No. 40 Ascona,
Utorda Majorda -Goa.

...Appellant

V/s

1. Public Information Officer (PIO),
Office of Goa Coastal Zone
Management Authority,
Pundalik Nagar, Porvorim-Goa.

2. The First Appellate Authority,
Office of Goa Coastal Zone
Management Authority,
Pundalik Nagar, Porvorim-Goa.

...Respondents

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

Filed on: 03/05/2019

Decided on: 12/07/2019

ORDER

1. The appellant, Ligorio Pereira has filed present second appeal against Respondent No. 1 Public Information Officer (PIO) of the Goa coastal Zone management authority, Porvorim-Goa and against Respondent No. 2 the First Appellate Authority (FAA) praying that the information at point no. (a) as requested by him in his application dated 22/1/2019 be furnished to him correctly and completely and for invoking penal provisions against respondent no. 1 PIO, for directions to Respondent No.2 FAA to pass order and to furnish the copy of the order to the appellant free of cost .
2. The brief facts leading to present appeal are as under:-
 - a) The appellant vide his application dated 22/01/2019 had sought for certain information, on (a) to (e) points as listed therein in the application. The said information was sought from

Respondent no. 1 PIO by the appellant in exercise of appellant's right u/s 6(1) of Right to Information Act, 2005.

- b) It is contention of the appellant that his above application was responded by Respondent No. 1, PIO on 13/02/2019 in terms of subsection (1) of section 7 wherein the information at point (d) and (e) was only offered to him after due depositing of fees of Rs. 24/- and others were denied.
- c) It is contention of the appellant that he was not satisfied with the above reply of Respondent no. 1 PIO and as the complete information as was sought by him was not furnished, and information at point No. (a),(b) and (c) was denied to him, he filed first appeal in terms of sub-section (1) of section 19 of RTI Act on 28/02/2019 before the Respondent No. 2 Member Secretary of Goa Coastal Zone Management Authority Porvorim -Goa being first appellate authority.
- d) It is contention of the appellant that respondent No. 2 FAA issued him notices and after hearing them orally directed Respondents No. 1 PIO to furnish the information at point no. (a) (b) and (c) within 30 days and the same was noted in the note sheet of the file by Respondent no.2 but no official order was delivered by the Respondent as per the provision of the act to the appellant.
- e) It is contention of the appellant that he received a letter dated 8/4/2019 from Respondent PIO in compliance to the oral instructions of Respondent no.2 first appellate authority thereby providing him information only at point no. (b) and (c) and information at point No. (a) was not furnished to him.
- f) It is the contention of the appellant that he being aggrieved by such an action of both the Respondents, is forced to approach this Commission on 3/05/2019 in the second appeal as

contemplated under sub-section (3) of section 19 of RTI Act, 2005.

3. In this background the present appeal has been filed on the grounds raised in the memo of appeal with the contention that complete information is still not provided and seeking order from this Commission to direct the Respondent No. 1 PIO for providing information at point no. (a) as sought by him, free of cost and for other relief.
4. The matter was taken up on board and was listed for hearing. In pursuant to notice of this commission appellant appeared in person. Respondent No. 1 PIO was represented by Advocate V. Garcious .
5. Advocate V. Gracious filed reply of respondent No. 1 PIO and Respondent no. 2 first appellate authority respectively on 12/7/2019. The copy of the replies of both the respondents were furnished to the appellant herein .
6. The Respondent PIO during the hearing on 12/7/2019 also furnished the information at point no. (a) to the appellant and after verifying the information the appellant submitted that he is satisfied with the information provided to him by respondent PIO vide reference No. GCZMA/RTI/18-19/1013 dated 10/7/2019, and accordingly endorsed his say on the memo of appeal .
7. Since now the information at point no. (a) has been provided to the appellant, no intervention of this commission is required for the purpose of furnishing the information and as such the prayer (b) becomes infructious .
8. The facts of the present case doesn't warrant the levy of penalty on PIO as it is seen from the records that the application under RTI filed by the appellant was responded well within the period of 30 days. The bonafide have been shown by

the PIO in complying the order of first appellate authority. Only lapse found in this case was that the Respondent no. 2 first appellate authority have not disposed the first appeal within 30 days time as contemplated u/s 19(6) of RTI Act. From the records it is seen that the first appeal was filed on 28/2/2019 however it is seen from the date of the order that it is passed on 2/5/2019. There is a delay in disposing the first appeal. Hence the Respondent no.2 first appellate authority is hereby directed to be vigilant henceforth while dealing with RTI matter and to comply with the provisions of RTI Act in true spirit.

With this above directions the appeal proceedings stands closed.

Notify the parties.

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