

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

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Appeal No. 145/2019/SIC-I

Vailan Fernandes  
House No. 38,  
Near St. Mathew's Church,  
Azossim Goa.

.....Appellant

V/s

1. The Public Information Officer (PIO),  
Captain of Ports,  
Panaji- Goa.

2. The First Appellate Authority (FAA),  
Captain of Ports,  
Panaji- Goa.

.....Respondents

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

Filed on: 18/04/2019  
Decided on: 16/10/2019

**ORDER**

1. The second appeal came to file by the appellant Advocate Vailan Fernandes on 18/04/2019 against the Respondent No. 1 Public Information Officer (PIO) of the Captain of Ports at Panaji, and against the Respondent No.2 First appellate authority as contemplated under sub section (3) of section 19 of RTI Act, 2005.
2. The brief facts leading to the second appeal as put forth by the appellant are that he vide his application dated 27/11/2018 had sought for the information on 4 points as stated therein in the said application in exercise of his rights under sub section(1) of section 6 of RTI Act, 2005 .
3. It is the contention of the appellant that he vide letter dated 26/12/2018 reminded the Respondent no.1 PIO that the period would expired on 27/12/2018 with respect to his RTI application and called upon him to provide the said information sought .

4. It is the contention of appellant that despite of reminder the Respondent No. 1 PIO failed to furnish him information nor the said application of his was responded by the Respondent PIO in terms of sub section(1)of section 7 of RTI Act, 2005 within stipulated time of 30 days as such he deeming the same as rejection, preferred the first appeal on 14/01/2019 before the Respondent No.2 Captain of Ports being First Appellate Authority interms of section 19(1)of RTI Act 2005.
5. It is the contention of the appellant that Respondent no. 2 vide order dated 22/2/2019 disposed his appeal deeming the information to have been received by the appellant within a weeks time i.e by 27/2/2019.
6. It is the contention of the appellant that in pursuant to the order of respondent no.2 first appellate authority, the PIO vide his letter dated 26/2/2019 intentionally furnished him incomplete and misleading information .
7. It is the contention of the appellant that being aggrieved by the conduct of Respondent no.1 and 2 is forced to approach this commission by way of second appeal as contemplated under section 19(3) of RTI Act, 2005 on the grounds raised in the memo of appeal thereby seeking relief for direction for providing him information, free of cost and for invoking penal provisions.
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 was present along with Advocate Ashish Kuncolienar. Respondent No. 1 Shri Ram Gupta Asara was present along with Advocate K.L. Bhagat. Respondent No. 2 was represented by Smt. Luciana Fernandes .
9. Reply filed by Respondent No.1 PIO on 15/7/2019 alongwith the enclosure and by respondent no. 2 on 21/8/2019. The copy of the same was furnished to the Advocate for Appellant.

10. Since the appellant was not satisfied with the information provided to him after the order of first appellate authority with respect to Colum No. 4 of point no. 1, the respondent PIO undertook to provide him the clarification and also volunteered to give inspection of records pertaining to point no. 2 which were mentioned as "under process" .
11. Accordingly on 30/9/2019 the clarification/additional/fresh information was offered to the appellant and due inspection of the records were also carried by the appellant.
12. The appellant acknowledged the said information which was furnished to him free of cost. On verification of the said information, the appellant submitted that he has no any further grievance with respect to information furnished to him as the same is furnished as per his requirements. He further submitted that he is not pressing for penal provisions and accordingly endorsed his say on the last page of memo of appeal.
13. Since available information have been furnished to the appellant, free of cost as per the requirements of the appellant, I find no further intervention of this commission required for the purpose of furnishing information and hence prayer (a)&(b) becomes infructuous.
14. In view of the submissions and the endorsements made by the appellant herein, I find no reasons to proceed with the matter and nothing survives to be decided in the present proceedings. Hence the proceedings stands closed.

Notify the parties.

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.