

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

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

**Appeal No: 178/2019/SIC-II**

Shri Sushant P. Nagvenkar,  
House No. c-312, Fondvem,  
Ribandar – Goa.

**..... Appellant**

**v/s**

1.State Public Information Officer,  
Office of the Administrator of Comunidades  
Mapusa – Goa

2.First Appellate Authority,  
Office of the Administrator of Comunidades  
Mapusa – Goa

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 11-09-2019**

**Date of Decision : 11-09-2019**

**ORDER**

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 13/02/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Administrator of Comunidades of Bardez, Mapusa - Goa. The information is regarding file inspection in respect of file No. 1-15-2011-ACNZ/2011 and for copies of documents from the said files post inspection and to provide any associated files/ part files pertaining to the subject matter of the file No. 1-15-2011-ACNZ/2011 available in the records with the public authority.
2. Finding that the PIO has not furnished any information nor has given any reply, the Appellant inwards a letter dated 18/04/2019 informing the PIO that a First Appeal has been filed since no information was given by the PIO. It is the case of the Appellant that the FAA has not issued any notice nor passed any order and also the PIO has failed to provide information as such the Appellant has approached the Commission by way of Second Appeal registered on 11/06/2019 and has prayed that the respondent PIO be directed to provide the inspection of the file and for imposing penalty, disciplinary action against PIO and other such reliefs. ...2

3. **HEARING**: During hearing Appellant Shri Sushant P. Nagvenkar is present in person. The Respondent PIO, is represented by Shri. Arjun Mandrekar, LDC with Public Authority.
4. **SUBMISSION**: At the outset the Appellant submits that he has received an intimation from the PIO vide letter No. ACNZ/RTIA/114/2019-20/475 dated 26/06/2019 informing that the file bearing No. 1-15-2011-ACNZ/2011 is available in the records of Serula Comunidade and to carry out the inspection of the said file on any working day.
5. The Appellant submits he is satisfied with the said intimation from the PIO and does not want to pursue the appeal case any further and that he has visited the Office of the Respondent PIO on three occasions and no one was present to give him inspection and as such requests the Commission to issue directions to the PIO to provide inspection of the file bearing No. 1-15-2011-ACNZ/2011 in adherence to the letter sent by the PIO dated 26/06/2019.
6. The Appellant finally submits that although he had filed a First Appeal, the First Appellate authority (FAA) failed to pass any order and also requests the Commission should take stringent action against the FAA.
7. **DECISION**: The Commission as per request of the APPELLANT directs the PIO to allow the Appellant to inspect the file bearing No. 1-15-2011-ACNZ/2011 of the Serula Comunidade which is available in the record of the Public Authority within 15 working days of the receipt of this order i.e latest by 15<sup>th</sup> October 2019. The Appellant will approach the office of the PIO after giving prior intimation and take the inspection of the said file. The Appellant is also at liberty to obtain whatever copies of information documents he so desires after inspection and which the PIO is directed to provide free of cost.

8. The Appellant has requested the Commission to take stringent action against the FAA for failing to pass any order on the First Appeal filed by the Appellant. In this context the Commission after scrutinizing the First Appeal memo observes that the Appellant has filed the First Appeal before the Administrator of the Comunidades who is the PIO and not the FAA and therefore was not the proper authority. The First Appellate Authority (FAA) as notified by the appropriate government for Comunidade matters under RTI act 2005 is the Additional Collector in the Office of the Collector-North Goa.
  
9. It was the bounden duty of the Appellant to have obtained information as to who is the correct FAA and should have filed the First Appeal before the said authority. As the Appellant has lodged the First Appeal with the wrong authority, therefore the FAA cannot be blamed for not passing any orders and thus is not at fault. Consequently the request of the Appellant for taking any action against the FAA stands rejected.

**With these directions and observations the appeal case stands disposed.**

All proceedings in Appeal case stands closed. 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**