

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 144/2019/SIC-II

Nooralla Ismaisab Naduvimani,
R/o. Flat No. A4, Serrao Residency,
Aman Co-op Hsg. Society Ltd.,
Gavle Bhat, Chimbhel, Tiswadi,
Panjim, Goa.

..... **Appellant**

V/s

1. Public Information Officer (PIO),
The Asst. Registrar of Coop.
Societies & State Public Information
Officer, Central Zone, Panjim– Goa.

2. First Appellate Authority,
Registrar of Coop. Societies,
Government of Goa,
'Sahakar Sankul', 4th & 5th Floor,
Panjim – Goa.

.....**Respondents**

Relevant emerging dates:

Date of Hearing : 18-07-2019

Date of Decision : 18-07-2019

O R D E R

1. **Brief facts of the Case** are that the Appellant has filed a Second Appeal before the Commission registered on 17/05/2019. The main grievance of the Appellant is that although he had filed the RTI application u/s 6(1) seeking information from the Respondent PIO, the PIO has not given any reply and further even on filing the First appeal as per 19(1), the First Appellate Authority (FAA) has not passed any order and as such the Appellant has approached the Commission u/s 19(3) by way of Second Appeal and has prayed to impose fine on the PIO and FAA.
2. **HEARING:** During the hearing the Appellant Shri. Nooralla Ismaisab Naduvimani is present along with Shri. Parshuram Sonurlekar. The Respondent PIO, Shri. Sachin Ghaisas, Asst. Registrar of Coop. Societies is present. The FAA is represented by Shri. Dhiraj Pednekar, Audit Assistant.

3. **SUBMISSIONS:** The representative for the Appellant submits that after filing the RTI application dated 13/05/2019, the PIO has not given any reply and further even on filing the First appeal on 18/03/2019 as per 19(1), the First Appellate Authority (FAA) has not passed any order although two notices were issued and two hearings conducted on 04/04/2019 and 25/04/2019.
4. The PIO in his submission was unable to explain as to why there was no reply given by the PIO nor any order passed by the FAA.
5. **FINDINGS:** The Commission on perusing the material on record at the outset finds that the First Appellate Authority (FAA) has not passed any Order in the first appeal case although the Appellant had filed a proper First appeal as per 19(1). The FAA being a quasi judicial body should have applied his mind and decided the First Appeal as per the RTI Act. The FAA is duty bound to see that the justice is done. The Commission finds that such a lapse on part of the FAA clearly tantamount to dereliction of duty and cannot be taken lightly more so as the FAA is a senior officer of the rank of Registrar.
6. **DECISION:** A Second Appeal under section 19(3) lies against the Order and decision of the First Appellate Authority (FAA) as per section 19(1), however as the FAA has not given any decision and has not passed any Order on the First Appeal, the Commission without going into the merits of the appeal case accordingly remands the matter back to the FAA.
7. The First Appellate Authority (FAA) is directed to issue fresh notices to the parties i.e. both the Respondent PIO and the Appellant in the appeal case within 20 working days of the receipt of this order in any case latest by 19th August, 2019. The FAA shall after hearing the parties decide the First Appeal on merits by passing an appropriate speaking order giving justification for the decision arrived at.

8. The said First appeal should be disposed off within 30 days from the date on which the parties attend 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.
9. If the FAA comes to a conclusion that the appellant should be supplied information by the PIO, then he may either i) pass an order directing the PIO to give such information to the appellant or ii) he himself may give information to the appellant while disposing off the First Appeal.
10. It is open to the Appellant, if he is still aggrieved by the order of the FAA to approach this commission either by way of a Second Appeal u/s 19(3) or a Complaint u/s 18 as the case may be.

With these directions the appeal 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