

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 237/2019/SIC-II

G.S. Kubal,
2nd floor, Patto Center,
EDC Plaza,
Panaji - Goa

..... **Appellant**

V/s

1. The State Public Information Officer,
The Registrar of Coop. Societies,
4th floor, Sahakar Bhavan,
Patto, Panaji - Goa.

2. First Appellate Authority,
O/o.Registrar of Coop. Societies,
4th floor, Sahakar Bhavan,
Patto Plaza, Panaji - Goa.

.....**Respondents**

Relevant emerging dates:

Date of Hearing : 26-11-2019

Date of Decision : 26-11-2019

O R D E R

1. **Brief facts of the Case** are that the Appellant vide an RTI Application dated 24/01/2019 sought certain information from the Respondent PIO, O/o Registrar of Co-operative Societies, Patto Panaji – Goa at 8 points.
2. The Appellant is *inter alia* seeking information of the names, addresses and registration numbers of Co-operative Societies registered under rule 8 (1) Class 12 Sub-class (C) in all six zonal offices from January 2010 to December 31, 2019 and copy of inward registrar of Central zone from 29/10/2018 to 31/10/2018 and copy of inward registrar of Central zone for the month of June 2018 and other such related information as contained in RTI Application therein.
3. The main grievance of the Appellant is that although he had filed the RTI application dated 24/01/2019 u/s 6(1) seeking information, the Respondent PIO had transferred the RTI Application u/s 6(3) vide letter no. 43/2/2005/TS/RCS(Part)/4240 dated 29/01/2019 to five PIO's namely North Zone, Bicholim Zone, South Zone, Quepem Zone and Ponda Zone and that only the PIO, Quepem... ..2

..... has furnished the information and further even on filing the First appeal on 07/03/2019 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 registered on 01/08/2019 and has prayed to direct Respondents to furnish information and to impose penalty and for other such reliefs.

4. **HEARING:** During the hearing the Appellant Shri. G. S. Kubal is present in person. The Respondent PIO and FAA are both represented by Shri. Dhiraj Pednekar (Audit Assistant), O/O The Registrar of Coop. Societies, Panaji - Goa.
5. **SUBMISSIONS:** The Appellant submits that after filing the RTI application dated 24/01/2019, the PIO has transferred the RTI Application u/s 6(3) vide letter no. 43/2/2005/TS/RCS(Part)/4240 dated 29/01/2019 to five PIO's namely: North Zone, Bicholim Zone, South Zone, Quepem Zone and Ponda Zone and that only the PIO, Quepem has furnished the information and further even on filing the First appeal on 07/03/2019 as per 19(1), the First Appellate Authority (FAA) has not passed any order although a notice was issued.
6. **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.
7. **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.

8. 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 15 working days of the receipt of this order in any case latest by 27th December, 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.
9. 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.
10. 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 call upon the information and give to the appellant while disposing off the First Appeal.
11. 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**