

**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.233/2019/SIC-II**

Shri Manuel Jesus Araujo Alvares,  
Son of Mr. Salvador Eufemiano Araujo  
Alvares,  
Residing at FO-11/12, Sapana Terrace,  
Vasco da Gama - Goa.

**..... Appellant**

**v/s**

1. Public Information Officer,  
Mormugao Municipal Council,  
Vasco da Gama - Goa. 403 802.
2. First Appellate Authority,  
The Chief Officer,  
Mormugao Municipal Council,  
Vasco da Gama- Goa. 403 802.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 22-10-2019**

**Date of Decision: 22-10-2019**

**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 30/07/2019 being aggrieved with the fact that although he had filed an RTI application dated 15/02/2019 and inwards 27/02/2019 u/s 6(1) seeking certain information as contained in the RTI application therein from the Respondent PIO, O/o Mormugao Municipal Council, Vasco Da Gama, the PIO has not given any reply nor furnished information as is mandatory u/s 7(1) and further even on filing the First appeal on 26/04/2019 inwards on 26/04/2019 as per 19(1), the First Appellate Authority (FAA) has not passed any order and as such the Appellant has prayed that necessary orders may kindly be issued in the matter.
2. **HEARING:** During the hearing the Appellant Shri Manuel Jesus Araujo Alvares is represented by Advocate Snehal Fernandes. The Respondent PIO & FAA are both absent.

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3. **SUBMISSIONS:** Advocate Snehal Fernandes for the Appellant submits that the PIO has not given any reply nor furnished any information with respect to the RTI application dated 15/02/2019 filed by the Appellant and further even on filing the First appeal, the First Appellate Authority (FAA) has not passed any Order.
4. **FINDINGS:** The Commission on perusal of the material on record finds that the FAA has not passed any Order. The FAA being a quasi judicial body should have applied his mind and decided the First Appeal under the RTI Act as he is duty bound to see that the justice is done. The Commission notes with concern 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 Chief Officer, Mapusa Municipal Council.
5. The FAA is hereby called upon by this Commission to explain the reason for the failure to discharge his duties which he is legally bound as per the RTI act 2005. The FAA is directed to remain present personally before the Commission with his reply / explanation, if any, on 15<sup>th</sup> November 2019 at 11.30.a.m.
6. **DECISION:** A Second Appeal u/s 19(3) of the RTI Act 2005 lies against the Order of the First Appellate Authority (FAA). As there is no Order passed by the FAA in the above appeal case, the Commission without going into the merits of the appeal case remands the matter back to the First Appellate Authority (FAA).
7. The FAA is directed to issue fresh notices to both the Respondent PIO and the Appellant in appeal case within 15 days of the receipt of this order in any case latest by 18<sup>th</sup> November 2019. The FAA shall after hearing the parties decide the First Appeal on merits by passing a speaking order.

8. The FAA should dispose the said First appeal 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 the 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 pass an order directing the said PIO to give such information to the appellant or ii) he himself may call for the information from the said PIO and furnish the same to the appellant while disposing off the First Appeal. It is made clear that in the appeal case where the PIO has not given a reply as per 7(1) to the RTI application within mandated time period, the FAA may decide to furnish the information free of cost as per law.
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**