

**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. 246/SIC/2016**

Mr. Xavier Sequeira,  
H. No.10, Pangulna,  
Sanguem – Goa -403 704

**... Appellant**

v/s

1.State Public Information Officer,  
Goa College of Engineering,  
Farmagudi, Ponda – Goa.

2.First Appellate Authority,  
Principal,  
Goa College of Engineering,  
Farmagudi, Ponda – Goa

**... Respondents**

**Relevant emerging dates:**

Date of Hearing : 10-01-2019

Date of Decision : 10-01-2019

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 18/07/2016 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, Directorate of Accounts, Government of Goa, Panaji-Goa.
2. It is seen that the PIO, Directorate of Accounts transferred the application under Section 6(3) to the PIO, Goa Engineering of College, Farmagudi, Ponda with a request to furnish information to the Appellant at point No. (d), (e), (f) & (g) directly.
3. It is the case of the Appellant, that the reply from the PIO was not received within the mandatory 30 days period and as such the Appellant filed a First Appeal on 07/09/2016 and the First Appellate Authority (FAA) vide an Order dated 04/10/2016 disposed off the said First Appeal by upholding the reply of the PIO and in the last para the FAA has recorded the PIO has performed his duties under the RTI Act., in true letter & spirit time limit specified and has made available information which was furnished to the Appellant and hence the application has been disposed off under the provisions. ..2

4. The FAA in his Order has also recorded that as regards to the submission of the Appellant to direct the respondent, SPIO, GEC for furnishing the information sought without further delay, free of cost the same does not arise as the available information was provided, and hence his application has been disposed off under the provisions.
5. Being aggrieved with the Order of the First Appellate Authority (FAA), the Appellant subsequently filed a Second Appeal before this Commission registered on 07/11/2016 and has prayed that the PIO be directed to furnish information asked for further without any delay free of cost and for fine, and other reliefs.
6. **HEARING:** This matter has come up for hearing on several previous occasion and hence it is taken up for final disposal. During the hearing the Appellant Mr. Xavier Sequeira is absent. It is seen from the Roznama that initially the Appellant was represented one Savio Suraj Victoria, however from 10/10/2017 onwards, it is observed neither the Appellant nor his representative have put up any appearance before this Commission and it appears that the appellant is not interested to pursue his Appeal case. The Respondent PIO, Prof. B. R. Kulkarni is present on his own behalf and also on behalf of the FAA.
7. **SUBMISSIONS:** At the outset, the PIO submits that after receiving the RTI application transferred u/s 6(3) by the PIO, Director of Accounts directing to furnish information pertaining to point (d), (e), (f) & (g), he observed that the same information was sought by the Appellant through a similar RTI application bearing the same date of 18/07/2016 and having similar contents filed with the PIO, Goa Engineering College and that the said RTI application was transferred to the PIO, Personnel Department vide letter bearing no 1/18/16/RTI/GEC/1656 dated 29/07/2016 and the Appellant has also received a copy of the same .

8. The PIO further submits that as the information regarding the RTI application dated 18/07/2016 was not held by the Goa College of Engineering, the same was transferred to the Personnel Department and which fact was already brought to the notice of the Appellant, who was fully aware of the facts. The PIO also submits that as such he chose not to file any reply to the RTI application transferred under 6(3) by the PIO, Directorate of Accounts in good faith and it being the same and similar matter and in view that the appellant was fully aware of the facts.
9. The PIO finally submits that the Appellant also filed a First Appeal on 07/09/2016 and the fact that the Appellant has filed two same and similar RTI applications with two different authorities namely the Directorate of Accounts, and also the Goa College of Engineering was brought to the notice of the First Appellate Authority (FAA) and as such the FAA after hearing both the Appellant and Respondent PIO, passed an Order upholding the submission of the PIO.
10. The PIO accordingly stated that act of the Appellant by filing two same and similar RTI applications with two different authorities namely the Directorate of Accounts, and also the Goa College of Engineering is nothing but utter abuse of the RTI act. The PIO submits a detailed written submission dated 10/01/2019 along with a similar RTI application dated 18/07/2016 addressed to the PIO, The Principal, Goa Engineering College, Farmagudi, Ponda-Goa and also the reply of the PIO bearing no 1/18/16/RTI/GEC/1656 dated 29/07/2016 along with copy of the submission dated 03/10/2016 made to the First appellate Authority all of which are taken on record.
11. **FINDINGS:** The Commission after hearing the submission of the PIO and on perusing the reply / written submissions and the enclosures submitted by the PIO, finds that the Appellant had indeed filed 02 RTI applications with the same date of 18/07/2016 having the same and similar contents with two different authorities and which is utter abuse of the RTI Act.

12. The Commission also finds that the Appellant was very well aware that a similar RTI application that was addressed to the PIO, Director of Accounts was also addressed to the PIO, Goa College of Engineering and which was transferred to the PIO, Personnel Department vide letter 1/18/16/RTI/GEC/1656 dated 29/07/2016 and therefore it is rather surprising that the Appellant has concealed this fact before the Commission in the present Second Appeal.
13. **DECISION:** The Commission accordingly holds that the Appellant has approached the Commission with unclean hands by concealing certain facts and on this count itself the Second appeal case deserves to be dismissed. The Commission also holds that the PIO did not file any reply to the RTI application dated 18/07/2016 that was transferred by PIO, Director of Accounts to the PIO, Goa Engg. College in '**good faith**' as the Appellant had already received copy of the reply bearing no 1/18/16/RTI/GEC/1656 dated 29/07/2016 in a similar RTI application having the same date and contents filed with the PIO, Goa Engg. College wherein the PIO had transferred the said RTI application dated 18/07/2016 to the PIO, Personnel Department as the said information was not held by him. As the PIO has acted in good faith, therefore Section 21 is applicable in his case.

Section 21: Protection of action taken in good faith: No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

14. Consequently, the prayer of the Appellant to direct the PIO to furnish information asked for without further delay free of cost and for fine stands rejected.

**Appeal is devoid of any merits and hence is 'Dismissed'**

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**