

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.305/2018/SIC-II

Shri. Narhari S. Narvekar,
Shivnery Cooperative Housing Society,
Comaba Margao.

..... Appellant

v/s

Public Information Officer
Shri. Sanjay Ghate,
Kadamba Transport Corporation Ltd,
Porvorim – Goa.

.... Respondent

Relevant emerging dates:

Date of Hearing : 05-03-2019

Date of Decision : 05-03-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 09/08/2018 sought certain information from Respondent PIO, Shri. Sanjay Ghate, General Manager, Kadamba Transport Corporation Ltd, Porvorim – Goa under section 6(1) of the RTI act 2005. The Appellant is seeking information regarding compulsory retirement of Shri. Mahesh Kamat under FR56(J) with respect to the procedure followed by the Corporation and other such records generated by KTCL including the records of note on compulsory retirement dated 04/06/2007 and other such related information as contained in the RTI Application therein.
2. It is seen that the PIO vide reply letter No. KTC/PIO/166/(54)/2018-19/97 dated 18/08/2018 informed that the Appellant to visit the office of the PIO, Kadamba Transport Corporation Ltd, Porvorim – Goa, on 25/08/2018 at 11.30 hrs, to clarify certain points with regards to the application filed by him. It is also informed that unless and until the Appellant visits the office of the PIO, the PIO cannot furnish the information sought by him under RTI Act 2005.
3. Not satisfied with the reply of PIO, the Appellant filed First Appeal on 14/11/2018 and it is the case of Appellant that First Appellate Authority (FAA) did not decide the First Appeal and as such the Appellant filed Second Appeal before the Commission on 21/12/2018. ...2

.... and has prayed that the PIO should be directed to furnish the information sought free of cost and penalty and other such reliefs.

4. **HEARING:** During the hearing the Shri. Narhari S. Narvekar is represented by Shri. Mahesh Kamat. The Respondent PIO, Shri. Sanjay Ghate, General Manager, Kadamba Transport Corporation Ltd, Porvorim – Goa is also present along with Shri. Sudhakar Gaude, LDC.
5. **SUBMISSIONS:** At the outset representative for the Appellant submits that the PIO has not submitted any information and asking to visit the office of the Respondent PIO cannot be an excuse not to furnish information. It is also submitted that after filing the First Appeal on 14/11/2018, the FAA did not decide the First Appeal which is why the Appellant has approached the Commission by way of Second Appeal.
6. **DECISION:** The Commission on perusal of the material on record and after hearing the submission of both parties finds that the FAA has not passed any order and as such remands the matter back to the First appellate Authority for hearing the proceedings afresh. The FAA is directed to issue fresh notices to the parties i.e. both the Respondent PIO and the RTI applicant Shri. Narhari S. Narvekar within 30 days of the receipt of this order i.e latest by 30th April 2019.
7. The FAA shall after hearing the parties decide the First Appeal purely on merits as per the material on record by passing an appropriate speaking order. It is needless to say that the First appeal should be disposed off within 30 days from the date on which the parties attend on the date of the first hearing. 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