

**GOA STATE INFORMATION COMMISSION**  
Kamat Towers, seventh Floor, Patto, Panaji, Goa

**Shri Prashant S. P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No. 43/2019/CIC**

Mr. Ferdinand Lesseps Fonseca,  
3 Chris-Ed Co-op Hsg Socy,  
I.C. Colony Road No.3, Borivli (W),  
Mumbai 400103.

..... Appellant

V/s

- 1) The Block Development Officer I & II/FAA,  
Bardez, Mapusa –Goa.
- 2) The Public Information Officer/Sarpanch,  
Anjuna Caisua, Bardez –Goa. .... Respondents

Filed on : 10/08/2018

Disposed on: 13/12/2019

**1) FACTS IN BRIEF:**

- a) The facts as pleaded by appellant are that appellant herein by his application, dated 28/04/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.2, PIO under points (A) to (G) therein.
- b) According to appellant the said application was not responded to by the PIO within time and as such deeming the same as refusal, appellant filed first appeal to the respondent No.1, being the First Appellate Authority (FAA). The FAA failed to dispose the appeal in time.
- c) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act, on 10/08/2018.
- d) Notices were issued to the parties, pursuant to which the PIO and FAA appeared and filed their reply.

Sd/-

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- e) Vide his reply it is contended by FAA that the First appeal could not be disposed within 30 days but the same was disposed on 20/08/2018. He has filed copy of the order dated 20/08/2018, the appellant has also relied upon said order. By said order of FAA has directed the PIO to furnish the information within 10days from the date of receipt of said order.
- f) The PIO appeared alongwith Adv. Kerkar. Advocate Kerkar for PIO during the hearing on 13/11/2019 submitted that the information, as sought, has been furnished and that such a statement is contained in the order of FAA. As there was no records of having served the information, the PIO was directed to file on record copy of his reply u/s 7(1) of the Act as also the acknowledgement of appellant having served the information.
- g) In spite of such direction the PIO failed to file such records in spite of granting opportunity and hence the present appeal is taken up for orders based on the records.

**2) FINDINGS:**

- a) On perusal of the records it is seen that the application dated 28/04/2018 u/s 6(1) of the Act, was not responded by the PIO. The First Appellate Authority (FAA) failed to pass the order within the stipulated time. However it is not in dispute that the said appeal was finally disposed. While deciding the said appeal the FAA has directed the PIO to furnish the information within 10 days, if the same is not received by appellant.
- b) When the PIO appeared before this Commission, he submitted that the information is furnished. The appellant did not appear before this Commission and hence it could not be ascertained as to whether he has received the same

Sd/-

...3/-

And, if yes, whether it is as sought by his application. PIO was therefore directed to produce on record the copy of the response to the application and the acknowledgement of the appellant having received the same.

In spite of seeking time and granting opportunity PIO failed to file any such records. I am unable to accept the plain statement without any supporting document to hold that information is furnished.

- c) Considering the above circumstances I find it necessary to direct the PIO to furnish the information as sought. I also find it appropriate to initiate appropriate penal proceedings only after compliance of this order and after hearing the appellant. In the above circumstances I dispose the above appeal with the following:

**O R D E R**

Appeal is allowed. The PIO is hereby directed to furnish to the appellant, free of cost, the entire information as sought by him vide his application, dated 28/04/2018 by registered Acknowledgment due. Said information to be furnished within 15 days from the date of receipt of this order.

In case the PIO fails to comply with the present order the appellant shall be at liberty to initiate further proceedings as per law.

Order be communicated to appellant and respondents.  
Proceedings closed.

Sd/-

**(Prashant S. P. Tendolkar)**

State Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa