

**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. 217/2019/SIC-II**

Adv. Mr. Joshua Gracias,  
529, Baga Velim,  
Salcete - Goa. 403 723

**..... Appellant**

v/s

1. The Public Information Officer,  
O/o. Asst. Director of Transport,  
Quepem- Goa. 403 705.
2. The First Appellate Authority,  
O/o. Dy. Director of Transport (S),  
Margao – Goa. 403 601.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 15-10-2019**

**Date of Decision : 15-10-2019**

**O R D E R**

1. **BRIEF FACTS OF THE CASE** are that the Appellant vide an RTI application dated 28/01/2019, sought certain information under Section 6(1) of the RTI Act. 2005 from the Respondent PIO, O/o Asstt. Director of Transport, Quepem, Goa at 8 points.
2. The information sought is *inter alia* regarding total number of applications processed and also those not processed for transfer of vehicles with applicants who are not able to produce documents / without proof of residence, as set out in rule no.4, sub rule 11 of the Central Motor vehicles 1989 (with ref to order dated 22/06/2017 ref no: D.T pt/EST/10/2017-18/1549 – under point VIII) with number of applications accepted and rejected for the period from 1st July 2017 till 31st December 2018 and other such related information as contained in the RTI Application filed therein.
3. It is seen that the PIO vide two replies having nos. SGQ/QUE/ADT/EST/2018-19/4609 both dated 13/02/2019 informed the Appellant in one letter to collect information on payment of Rs. 198/- on any working day and in the other letter informed that information at points 1, 2, 3, 6, & 7 are not available while furnishing information at points 4, 5 & 8 by enclosing information documents. ...2

4. Not satisfied with reply of the PIO, Appellant filed a First Appeal on 25/03/2019 and it is seen that the First Appellate Authority (FAA) has not passed any order and as such due to deemed refusal has subsequently approached the Commission by way of a Second Appeal registered on 15/07/2019 and has prayed to direct the PIO to furnish the information as requested and for refund of the amount charged for providing irrelevant information and for costs and other such reliefs.
5. **HEARING:** During the hearing the Appellant Adv. Mr. Joshua Gracias is present in person. The Respondent PIO, Shri. Sandeep Dessai, Asstt. Director of Transport, Quepem is present in person. The present FAA Shri. Ivo Rodrigues, Dy. Director of Transport South is also present.
6. **SUBMISSIONS:** At the outset Appellant submits that information that was provided by the PIO at points 4, 5 & 8 is incorrect and irrelevant and does not pertain to the actual information sought in the RTI Application dated 28/01/2018. It is also submitted that even after filing the First Appeal, the First Appellate Authority (FAA) has not passed any order and which is deemed refusal as such directions be given to the PIO to furnish the information as sought in the RTI Application.
7. The PIO, Shri. Sandeep Dessai submits that whatever information as was available with the public authority has been furnished although the Appellant alleges that the same is incorrect and irrelevant. The First Appellate Authority (FAA), Shri. Ivo Rodrigues, Dy. Director, submits that he has been recently promoted as Dy. Director, Transport and has taken charge as First Appellate Authority (FAA) and that it was the former FAA, Shri. Nandkishor Arolkar who had dealt with the RTI first appeal and that the said officer has retired from government service.
8. **FINDINGS:** The Commission after hearing submissions of the parties and perusing the material on record indeed finds that the FAA has not passed any Order in appeal case. A duty is cast upon the FAA who being a quasi judicial body should have applied his mind and seen that justice is done by deciding the First Appeals under the RTI Act. ...3

9. **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, the Commission without going into the merits of the appeal case remands the matter back to the First Appellate Authority.
10. The FAA is directed to issue fresh notices to both the Respondent PIO and the Appellant in the appeal case within 20 days of the receipt of this order in any case latest by 12th November, 2019. The FAA shall after hearing the parties decide the First Appeal purely on merits by passing a speaking order.
11. 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 disposal of appeal takes more than 30 days, the FAA should record in writing the reasons for such delay.
12. If the FAA comes to a conclusion that the appellant should be supplied information by the PIO, then he may 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. The FAA may decide whether the information is to be furnished free of cost in accordance with law.
13. 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**

