

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

Appeal No. 239/2017

Shri Mingel Fernandes,
 Sequeira Enclave, Phase II,
 Flat No. F-1, Francis Apartment,
 Near Balbharati School,
 Alto Ribandar, Goa.

.....Appellant

V/s

1. The Public Information Officer,
 Dy. Conservator of Forest,
 Government of Goa,
 Panaji Goa.

2. First Appellate Authority,
 Conservator of Forest (WL & ET-North),
 Junta House , Panaji Goa.

.....Respondents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Filed on: 07/11/2017

Decided on: 29/1/2018

ORDER

1. The facts in brief leading to present appeal are that the appellant Shri Mingel Fernandes herein by his application dated 4/08/2017 filed under section 6(1) of Right To Information Act, 2005 sought certain information from Respondent No. 1 Public Information Officer (PIO) of the office of the Dy. Conservator of Forest, wildlife and Ecotourism (North) division at Panjim, Goa.
2. Vide said application the appellant had sought for copies of notices, directions, and proceedings initiated against Sahyadri Spice farm situated at Collem –Goa.

3. It is contention of the Appellant that the said application was not responded by Respondent PIO despite of he visiting office of Respondent PIO on several occasion as such he preferred first appeal on 13/09/2017 before the Respondent No. 2, Conservator of Forest Panajim, Goa being First Appellate Authority(FAA).
4. It is contention of the Appellant that the Respondent No. 2 FAA did not dispose the First Appeal as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act, 2005 on 6/11/2017.
5. Notice were issued to both the parties. In pursuant to which appellant was represented by Adv S. Gupta. Respondent PIO Shri Vikas Dessai ,Dy. Conservator of Forest (wild life & Eco division) and Respondent No .2 Dr. Anil Kumar was present.
6. In the course of the hearing on 25/1/2018 the PIO submitted that the information was sent to the appellant vide letter dated 31/8/2017 by registered A.D. has returned unserved being unclaimed. The Respondent no. 2 also submitted that he had dispatched the notice of hearing by Speed post which was again unclaimed by the appellant .
7. It is the contention of both the Respondents that the appellant has himself caused for the said delay in receiving the information. Never the less the PIO once again showed his willingness to furnish the information to the appellant after the necessary fees are paid by the appellant towards the Xerox charges, to which the Advocate for appellant agreed to deposit the same and as such the matter was thereafter fixed for furnishing the information.
8. On subsequent date of hearing neither the appellant nor his advocate remain present. Both the Respondents also opted to

remain absent as such no clarification could be obtained from neither of the party with regards to furnishing of the information.

9. The appellant herein vide his memo of appeal has contended that, he had visited the office of the PIO on several occasions but no response was given to him by PIO, as such the onus was on him to prove the same. By remaining continuous absence he has failed to bring on records cogent and sufficient evidence as against the PIO, The records also shows that the notice issued to him by this commission is also returned as "unclaimed" . It appears that appellant is not interested in proving the same ,as such, I am of the opinion that levy of penalty is not warranting in the facts and circumstances of the present case .
10. Since the information is ready with the PIO and as the Advocate representing the appellant has undertaken to pay the requisite fees towards the information , I dispose the present appeal with the following order;

ORDER

- a) Appeal is partly allowed.
- b) The Respondent PIO is hereby directed to furnish the information to the appellant as sought by him vide his application dated 4/8/2017 after the due deposit of required fees are made by the appellant.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Ak/-