

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 116/2021/SIC

Shri Birendra Prasad,
Building No. C-2, Flat No. 401,
Prasad Nagar, Vadgaonsheri,
Pune 411014

.....Appellant

V/s

1. Public Information Officer (PIO),
Office of the Deputy Conservator of Forest,
North Goa Division, Ponda-Goa 403601
2. The First Appellate Authority (FAA),
Office of the Conservator of Forest (WL and ET),
Goa Van Bhawan, Forest Department,
Altinho, Panaji-Goa, 403001

.....Respondents

Filed on : 27/05/2021

Decided on : 05/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 08/02/2021
PIO replied on	: 09/03/2021
First appeal filed on	: 26/03/2021
FAA order passed on	: 12/04/2021
Second appeal received on	: 27/05/2021

ORDER

1. The Second Appeal filed by the Appellant Shri. Birendra Prasad, R/o. Prasad Nagar, Vadgaonsheri, Pune, against Respondent No. 1 Public Information Officer (PIO), Office of the Deputy Conservator of Forest, North Goa Division Ponda and Respondent No. 2 First Appellate Authority (FAA), Conservator of Forest, (WL and ET), Goa Van Bhawan, Forest Department, Altinho Panaji-Goa, under section 19(3)

of the Right To Information Act, 2005 (RTI Act, 2005) came before this Commission on 27/05/2021.

2. Brief facts leading to the second Appeal, as contended by the Appellant are:-

a) That the Appellant filed application dated 08/02/2021 requesting the PIO to provide all the submissions from the Respondents Office to Hon'ble Bombay High Court, Panaji-bench, regarding private forest in survey No. 57/1 Village Reis Magos, Taluka-Bardez Goa; also all the related documents with this subject in Respondent's file.

b) That the Appellant received reply from the PIO stating there is no such file submitted to the Hon'ble High Court, Panaji-bench being aggrieved on the deemed denial on the part of the PIO, the Appellant filed first Appeal dated 26/03/2021 before the Respondent No. 2, First Appellate Authority. FAA after hearing both the parties directed the PIO to check the records and provide information as desired by the Appellant, within three weeks, free of cost.

c) That the Appellant did not receive any information from the PIO. Therefore, the Appellant filed second Appeal dated 27/05/2021 before this Commission against Respondent No. 1 and Respondent No. 2.

3. After notifying the concerned parties matter was taken up for hearing by this Commission. Pursuant to the notice of this Commission the Appellant, in an email dated 02/08/2021 addressed to this Commission, requested for exemption from attending the hearing. The Appellant had requested proceedings through video conferencing, however, Video conferencing facility being not available

in the Information Commission, exemption was granted to the Appellant.

4. During the hearing on 5/08/2021, Shri. Amar Heblekar Assistant Conservator of Forest (Legal Cell) appeared before this Commission representing the PIO and the FAA under the authority letter. Shri. Heblekar furnished a reply alongwith the enclosures. The reply dated 5/08/2021 stated that the PIO, in compliance of the FAA's Order dated 12/04/2021 has provided available information to the Appellant on 03/08/2021, and since there was a delay in providing the information, PIO was directed by the FAA to furnish the information free of cost to the Appellant, and the available information has already been provided to the Appellant on his email address as per his request.
5. The enclosures furnished by the Respondents also contain copy of a letter dated 04/08/2021 written by the PIO to the FAA, stating the receipt of information which is sent to the Appellant on email was confirmed on telephonic conversation by Shri. Birendra Prasad, the Appellant on 3/08/2021.
6. Since the information is now furnished to the Appellant, and there is no other prayer from the Appellant, nothing more survives in this Appeal. Accordingly Appeal is disposed and proceedings stand closed.

Pronounced in the open court.

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.

Sd/-

(Sanjay N. Dhavalikar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa