

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No.151/2021/SCIC

Dr. D.J.De Souza,
C/o. Luz Lab, Libania Bldg,
B/H Lily Garments, New Market,
Margao-Goa. 403601.

.....Appellant

V/S

1. The Public Information Officer/ Judicial Magistrate,
Sr. Division, "B" Court, SPACES, 3rd Floor,
Patto, Panaji-Goa. 403001.

2. The First Appellate Authority/ Principal Judge,
"B" Court, SPACES, 3rd Floor,
Patto, Panaji-Goa. 403001.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 05/07/2021

Decided on: 11/11/2021

FACTS IN BRIEF

1. The Appellant, Dr. D.J.De Souza, C/o. Luz Lab, Libania Building, Behind Lily Garments, New Market, Margao-Goa, by his application dated 28/11/2020 filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information from the Respondent No. 1, Public Information Officer (PIO) of the Judicial Magistrate, Senior Division, 'B' court, SPACES, IIIrd Floor , Patto, Panaji-Goa the following information:-

"Sub: Criminal Case No. 274/2018 from Agacaim Police Station under FIR No. 41/2017 under section 427, 447, 506, 504 r/w 34 IPC on 24/06/2017.

1. What is the status of the above mentioned case."

2. Since the said application was not responded by the PIO, within stipulated period, deeming the same as refusal , Appellant filed first

appeal to the Principal Judge, at Panaji Goa, being the First Appellate Authority (FAA) and then filed this second appeal under sec 19(3) of the Act.

3. Notice was issued, pursuant to which representative of PIO, Shri. Shakil D. Khorjuvenkar appeared and filed his reply on 09/08/2021.
4. The PIO, M. Antonetta Dias through the written statement submitted that alleged RTI application dated 28/11/2020 sent by speed post was never received by Public authority and hence the allegation of deliberate and wilful negative response to RTI application is baseless.

Further according to PIO, the submission that the first appeal was preferred by Appellant to Principal Judge and Appellate Authority is misconceived, as Principal Judge is not the appropriate / designated FAA to challenge the order of PIO.

Further according to PIO, neither PIO nor Appellate Authority of the District and Sessions Court is aware of the RTI application of the Appellant and refuted the allegation. PIO also submitted that, the Appellant never appeared before the public authority or not even inquired telephonically about his application.

5. During the course of hearing, the Commission directed the Appellant to produce on record the acknowledgement receipt of having received his RTI application by the office of PIO or Appellate Authority and fixed the matter for production of acknowledgement receipt.
6. On next date of hearing i.e. on 11/10/2021, Appellant appeared and filed one application stating that, he is not in a position to produce acknowledgement receipt of speed post as he is unable to trace the card.

7. In the aforesaid circumstances, I find that the appeal is infructuas and redundant and therefore needs to be dismissed.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner