

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

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Appeal No.163/2020/

Shri Shrikant Vishnu Gaonker,
Padmavati Towers, SF-5, 2nd Floor,
18th June Road, Panaji Goa
403001

.....Appellant

V/S

Public Information Officer
Office of the Asst. Registrar of Cooperative Societies,
Central Zone, Sahakar Bhavan,
1st Floor, Opp. Municipal Market,
Panaji Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 08/10/2020

Decided on: 30/07/2021

FACTS IN BRIEF

1. The Appellant herein by his application dated 14/08/2020 filed under sec 6(1) of the Right to Information Act, 2005 (Act for short) sought information on 14 points from the Respondent No. 1, Public Information Officer (PIO) of Asst. Registrar of Co-operative Societies, Panaji.
2. The said application was replied on 04/09/2020 requesting the applicant to call on his office to inspect the concern file on any working day during office hours in order to verify the desired documents so as to enable to provide the said documents.

Since PIO failed to provide the information within 30 days, applicant filed the present complaint under sec 18 of the Act.

3. Notices were issued to the parties, pursuant to which they appeared. The PIO appeared and filed his reply on 26/03/2021.

4. On perusal of the records it is seen that the above complaint is filed without filing the first appeal to the First Appellate Authority (FAA), u/s 19(1) of the Act. The full bench of this Commission in a bunch of similar complaints, by its order dated 27/05/2016 has held that no complaint without being preceded by first appeal u/s 19(1) is maintainable. The said order was based on the judgment of **Hon'ble Supreme Court dated 12/12/2011 in Civil Appeal Nos. 10787-10788 of 2011 (Chief Information Commissioner and another v/s State of Manipur)**. The present proceeding, which is filed as a complaint u/s 18 of the RTI Act 2005, being similar in nature is also not maintainable.
5. Complainant is granted liberty to file first appeal under sec 19(1) of the RTI Act, in respect of rejection of his request for information vide his application dated 14/08/2020, within 45 days from today. If such an appeal is filed, the First Appellate Authority shall decide the same on merits in accordance with law, without insisting on the period of limitation. The right of the Complainant herein to file complaint in case the Complainant is aggrieved by the order of First Appellate Authority in such appeal is kept open.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner