

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 188/2020

Shri. Pundalik N. Morajkar,
BS-4, 2nd floor, Bldg B,
LIC Housing Board,
Rumdamol, Davorlim,
Salcete Goa.

.....Appellant

V/S

1. Public Information Officer/ APIO,
South Goa Planning and Development Authority,
Margao, Salcete Goa.

2. First Appellate Authority/ Member Secretary,
South Goa Planning and Development Authority,
Margao, Salcete Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 30/10/2020

Decided on: 08/12/2021

ORDER

1. The Appellant, Shri. Pundalik N. Morajkar, BS-4, 2nd floor, Bldg B, LIC Housing Board, Rumdamol, Davorlim, Salcete Goa filed this second appeal under sec 19(3) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') on 30/10/2020 against Respondent No. 1, Public Information Officer (PIO) of South Goa Planning and Development Authority (SGPDA), Margao Goa and against Respondent No. 2, Member Secretary of SGPDA, being the First Appellate Authority (FAA) with prayer, that direction be issued to PIO to furnish the information as per his RTI application.
2. Since the Appellant failed to appear before the Commission for a long time, a fresh notice was issued to the Appellant on 18/10/2021. When the matter came up for hearing on 19/11/2021, the notice issued through EMS Speed post returned unserved with the endorsement "Deceased" therefore Commission directed the advocate appearing for the PIO to make an effort to that effect.

3. During the course of hearing today i.e on 06/12/2021, Adv. S. Naik appearing for PIO/FAA submitted that as per her information the Appellant has passed away some three months back therefore the present appeal is infructuous as abated.

4. Rule 13(3) of Uttar Pradesh, Right to Information Rules, 2015, Regulation of Andhra Pradesh Information Commission Management Regulation 2007 and Rule 35 of Jammu and Kashmir Right to Information Act 2009 (Act No. VII of 2009) state that the proceeding pending before the Commission shall abate on the death of the Appellant / Complainant. It is pertinent to note that no such rules are prescribed under Goa State Right to Information Rules. Nevertheless it is the opinion of this Commission that the Right to Information Act, 2005 confers right to an individual citizen and therefore cannot devolve on the heirs or successors. The legal heirs or any other interested person can make a fresh application asking for the same information. Hence this Commission is of considered view that the proceeding abate on the death of Appellant.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner