

# GOA STATE INFORMATION COMMISSION

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

E-mail: spio-gsic.goa@nic.in Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

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**Shri Sanjay N. Dhavalikar**, State Information Commissioner

## Appeal No. 34/2019/SIC-II

Shri. Mahesh Kamat,  
CD Seasons Coop. Housing Society,  
Murida, Fatorda Goa  
403602.

..... Appellant

v/s

1. The Public Information Officer,  
Shri. Sanjay Ghate, General Manager,  
Kadamba Transport Corporation,  
Porvorim -Goa.

2. First Appellate Authority,  
Managing Director,  
Kadamba Transport Corporation,  
Porvorim -Goa

..... Respondents

**Filed on : 13/02/2019**

**Decided on : 15/09/2021**

### **Relevant dates emerging from appeal:**

<b>RTI application filed on</b>	<b>: 21/12/2018</b>
<b>PIO replied on</b>	<b>: 19/01/2019</b>
<b>First appeal filed on</b>	<b>: 05/02/2019</b>
<b>First Appellate Authority Order passed on</b>	<b>: 07/02/2019</b>
<b>Second appeal received on</b>	<b>: 13/02/2019</b>

## **ORDER**

1. The appellant Shri Mahesh Kamat, resident of Fatorda, Goa filed Second Appeal under section 19 (3) of the Right to Information Act 2005, (RTI Act) against Respondent No. 1, Public Information Officer (PIO), Shri. Sanjay Ghate, General Manager, Kadamba Transport Corporation Ltd., Porvorim Goa and Respondent No. 2, the First Appellate Authority (FAA), Managing Director, Kadamba Transport Corporation Ltd., Porvorim Goa, with various prayers including information, penalty on the PIO, disciplinary proceedings against the PIO etc.

2. The brief facts leading to the second appeal, as contended by the Appellant are :-
  - a) That the Appellant vide application dated 21/12/2018 sought from the PIO information on 20 points related to his service matters.
  - b) That the PIO vide letter dated 19/01/2019 furnished information with respect to point no. 18. That the Appellant being not satisfied filed first appeal dated 05/02/2019 before the FAA. The appellate authority returned the appeal to the Appellant insisting amendment/correction to the appeal memo of first appeal.
  - c) Being aggrieved with the action of the PIO and the FAA, the Appellant filed Second Appeal before the Goa State Information Commission on 13/02/2019.
3. The matter was taken up on the board, parties were notified and the appeal was listed for hearing on 09/04/2019. Pursuant to the notice of this Commission, the appellant remained present in person. Though the PIO and the FAA were initially absent, the PIO appeared before Commission and thereafter filed reply dated 09/05/2019. Authorized representative of the FAA appeared under authority letter and filed reply dated 09/05/2019. Later appellant submitted written arguments dated 10/12/2019. However, the then Commissioner demitted office on 03/07/2020 and the matter could not be heard. The hearing resumed on 17/03/2021 upon joining of the new Commissioner. Appellant argued orally as well as submitted written arguments.
4. The Commission has carefully perused all the submissions including appeal memo. It is observed that the appellant while seeking information has made some statements against the PIO and the FAA in his appeal memo as well as in his written arguments. Also the Appellant had made some statements/allegations against the FAA in the first appeal and the FAA vide letter dated 07/02/2019 'advised' the Appellant to "change/amend para 10 of the appeal in

order to facilitate the processing of appeal memo which is hereby returned for amendment/correction”.

5. The Appellant did not endorse the 'advise' of the FAA and preferred Second Appeal before the Commission. The FAA has contended in his submission that the Appellant without contesting the letter of FAA dated 07/02/2019 has approached the Commission by way of Second Appeal which is pre mature, and mere change or amendment to the para 10 of the first appeal memo would not have caused any prejudice to the Appellant.
6. On the other hand, the PIO has stated in his reply that the Appellant has been provided all the information available in the office of PIO, whenever asked vide his numerous applications. The said information is repetitive in nature, so also inspection of all the relevant files was given to the appellant.
7. The PIO further contended that the Appellant must have unbiased and transparent view and faith in the public authority while seeking any information, and must expect the same unbiased and transparent approach from the authority. However the appellant, the PIO contends, has made certain statements/allegations towards the PIO and the FAA which are irrelevant and cannot form part of this matter and appear to be bias against the PIO and the FAA.
8. As per Section 19(6) of the RTI Act, the FAA has to dispose the first appeal within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. However, in this matter it is seen that the FAA asked the Appellant to change/amend para 10 of first appeal, the Appellant later preferred Second Appeal. In this situation, the Commission without expressing its view on the merits of the matter is of the opinion that, in the interest of justice, the matter has to be

remanded to the FAA to hear all concerned parties in accordance with the RTI Act.

9. In view of the above discussions, the present appeal is disposed with following :

a) The matter is remanded to the First Appellate Authority, Managing Director, Kadamba Transport Corporation Ltd., Porvorim Goa and the FAA is directed to hear the first appeal in accordance with the Act, without insisting on the period of limitation.

b) The Appellant will be free to approach this Commission by way of fresh Second Appeal/Complaint, if aggrieved by the decision of the FAA within the period of limitation thereafter.

Hence the appeal is disposed accordingly and proceedings stand closed.

Notify the parties.

Pronounced in the open hearing.

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