

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 141/2020**

Shri Vailan Fernandes  
H. No. 38, Near St. Mathew's Church,  
Azossim, Goa, 493104 ..... Appellant

**v/s**

1. The Public Information Officer (PIO),  
Dy. Collector and SDO, Mapusa-Goa
2. The First Appellate Authority (FAA),  
Dy. Collector & SDO,  
Mapusa-Goa. .... Respondents

**Filed on : 14/09/2020**

**Decided on : 17/12/2021**

**Relevant dates emerging from appeal:**

RTI application filed on	: 15/05/2020
PIO replied on	: NIL
First appeal filed on	: 16/07/2020
First Appellate Authority Order passed on	: Nil
Second appeal received on	: 14/09/2020

## **ORDER**

1. The second appeal filed by the Appellant Shri. Vailan Fernandes under section 19(3) of the Right to Information Act, 2005 (For short, the Act) against Respondent No. 1 Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before this Commission on 14/09/2020.
2. The brief details of this appeal as contended by Appellant are that vide application dated 15/05/2020 he sought certain information from PIO. The Appellant did not receive any reply

from PIO within the stipulated period of 30 days and therefore filed appeal dated 16/07/2020 before FAA. However, the FAA too failed to respond and the Appellant was compelled to file second appeal before this Commission. Appellant prayed for complete information and imposition of penalty on Respondents.

3. Parties were intimated and the matter was taken up for hearing. Appellant appeared in person and submitted that the information sought vide application dated 15/05/2020 is pertaining to the third party and he will furnish the address of the third party in order to enable the Commission to send notice to the third party under section 19(4) of the Act. Subsequently, the Appellant never turned up before this Commission even once and did not furnish the address of the third party. As a result, notice under section 19(4) of the Act could not be issued to the third party and say of the third party could not be sought in order to issue any directions to PIO regarding the information sought by Appellant. The only response from the Appellant is in the form of an application received in the registry on 25/ 03/2021 requesting to postpone the hearing scheduled on 01/04/2021. The request was granted and subsequently number of opportunities were given to Appellant, however he did not appear before the Commission, nor did he file any submission.
4. To the utter surprise of the Commission PIO and FAA remained absent continuously and did not file any reply to register their say. The PIO neither did reply to the applicant's application dated 15/05/2020 nor did the FAA entertain the first appeal.

5. It is noted that the information sought by Appellant is pertaining to the third party and PIO cannot be directed to furnish the said information before hearing the third party. However, Appellant has not furnished the address of the third party and therefore the Commission is unable to issue notice to the third party. In the given circumstances the Commission is unable to issue any directions to PIO regarding furnishing the information.
  
6. In the light of the above discussion, the Commission concludes that the Appellant is not interested in the information as he has remained absent and not furnished the address of the third party. Hence the appeal is disposed as dismissed and the proceeding 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