

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

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CORAM: Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 144/2020/SIC-I

Shri. Oswald Fernandes,
R/o. H. No. 1141, Muxivaddo,,
Curtorim, Salcete Goa

....Appellant

V/s

- 1) Shri. Radhakrishna J. Keny,
Public Information Officer (PIO),
Office of the State Electrical
Inspectorate,
Government of Goa,
G.I.D.C Building, 5th Floor,
Patto Plaza, Panaji – Goa.

- 2) Chief Electrical Engineer,
First Appellate Authority (FAA),
Office of the Chief Electrical
Engineer/Superintendent Engineer – C2,
Vidhyut Bhavan, 3rd floor, Panaji Goa.

..... Respondents

Filed on: 15/09/2020

Decided on: 5/04/2021

Relevant dates emerging from appeal:

RTI application filed on	: 03/07/2020
PIO replied on	: 11/08/2020
First Appeal filed on	: 03/08/2020
First Appellate Authority Order passed on	: 09/12/2020
Second appeal received on	: 15/09/2020

ORDER

1. The brief facts leading to the second appeal filed by Shri. Oswald Fernandes are that the Appellant in exercise of his right under section 6(1) of the Right to Information Act, 2005 (RTI Act, 2005) vide his application sought from Respondent No. 1 Public Information Officer (PIO), Office of State Electrical Inspectorate, Panaji, information on two points.

2. It is the contention of the Appellant that the Respondent No. 1 PIO failed in his duty in furnishing complete information within time limit. According to the appellant only part information was provided by

citing the reason "Since the investigation is going on in the Appeal No. 12/2020-21 filed by Mrs. Sevana Jacques, the information cannot be issued in view of the clause 8(1)(h) of RTI Act, 2005."

3. It is the contention of the Appellant, that being aggrieved with the not compliance on the part of Public Information Officer (PIO), he filed first Appeal to the First Appellate Authority (FAA), Office of the Superintendent Engineer, Vidhyut Bhavan Panaji-Goa.
4. It is the contention of the Appellant that no order was issued by the FAA within the stipulated time of 30 days as required under the provisions of RTI Act, 2005.
5. Therefore in the above background Appellant was aggrieved by the non availability of the information sought from PIO as well as FAA. Appellant filed second Appeal with the State Information Commission on 15/09/2020.
6. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the concerned parties. During the process of hearings first Appellate Authority filed the reply wherein he claimed that the hearing was scheduled on 12/10/2020; but meanwhile the Appellant preferred an Appeal to the State Information Commission, before the case could be heard by the FAA. In view of this the FAA prayed that the proceedings may be closed.
7. Subsequently, Shri. Radhakrishna J. Keny, PIO and Respondent No. 1 informed the Commission vide letter dated 29/12/2020 received in this Office vide entry No. 1795 dated 30/12/2020 that 'the information could not be furnished earlier due to some misconception that the information of the Appeals could not be shared with parties other than Appellant and the Respondents'. It is also stated in the said letter that 'now on 16/12/2020 not only the

full information is given to the party but the party was allowed to inspect the original file in full.' PIO Shri. Keny has enclosed copy of FAA Order dated 11/12/2020 wherein the FAA has directed Respondent 1 to furnish the full information to the Appellant.

8. During the hearing today on 5/04/2021 it was brought to the notice of this Commission that the entire information sought is already furnished to the Appellant. Also Appellant endorsed on the Appeal memo that he is satisfied with the information provided by the PIO on his application dated 3/07/2020.

9. I have perused the documents submitted and replies filed by both the Respondents in this matter. The delay on the part of PIO to provide information was due to the misconception as stated by him in his reply dated 29/12/2020. I see no reason to contest this say of Respondents as information was provided to the Appellant immediately after the order of FAA.

10. In the above circumstances and in the light of above discussion:-

a) I dispose off the appeal since the information has been furnished to the Appellant and Appellant is satisfied with the information provided, no intervention of this Commission is required for the purpose of furnishing the information.

b) Rest of the prayers are rejected.

11. Hence the appeal proceeding stands disposed and 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