

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 105/2021/SCIC**

Shri. Nilesh Raghuvir Dabholkar,  
r/o. H.No. 275/2 (New), Dabholwada,  
Chapora, Anjuna,  
Bardez- Goa, 403509.

.....Appellant

V/S

1. The Public Information officer,  
The Awal Karkun,  
Office of Mamlatdar of Bardez and Administrator of Devalayas,  
Government Building,  
Mapusa Goa. 403507.

2. The Mamlatdar of Mapusa,  
The First Appellate Authrotiy,  
Government Building, Mapusa-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 29/04/2021**

**Decided on: 30/03/2022**

**ORDER**

1. The Appellant, Shri. Nilesh Raghuvir Dabholkar, r/o. H. No. 275/2 (New), Dabhalwada, Chapora, Anjuna, Bardez, Goa by his application dated 19/02/2020 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of Mamlatdar of Bardez cum Administrator of Develayas at Mapusa-Goa.
2. According to Appellant, since the said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant preferred first appeal before the Mamlatdar of Bardez, Mapusa Goa being the First Appellate Authority (FAA) under section 19(1) of the Act.

3. Since the FAA also failed and neglected to dispose the matter within stipulated time, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act, with the prayer to direct the PIO to furnish full, complete and proper information and to impose penalty and recommending disciplinary action against the FAA.
4. Notice was issued to the parties, pursuant to which the PIO, Ms. Yogita B. Velip appeared and filed her reply on 07/09/2021. Representative of FAA, Shri. Dattaprasad Kakatkar appeared, however failed to file letter of authority or reply on behalf of FAA in the matter.
5. I have perused the pleadings, reply, scrutinised the documents on record and heard the oral arguments of the counsel of the Appellant.
6. Learned counsel, Adv. V.V. Matonkar appearing on behalf of Appellant argued that he was forced to file this second appeal as the FAA has failed to entertain and decide the first appeal within stipulated time as mandate by the Act. The Act provides that the FAA should decide the matter within 30 days and in rare case this period can be extended to 45 days after recording the reason.
7. On going through the records, it reveals that the FAA neither heard the matter nor passed any reasoned order based on the material before him. This shows that, FAA has not performed his duty, which is casted upon him under the Act. The FAA also did not file his reply or put forth the persuasive reasoning for failure to decide the first appeal on merits, thus showing the scant regard to the process prescribed under the Act.
8. The Commission therefore feels that, it is a fit case to remand back the matter to the FAA to decide and dispose the matter on merit by

hearing both the parties within the period of 30 days from the receipt of this order. Parties to appear before the FAA. Proceeding closed. Pronounced in open court. Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner