

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 20/2021/SIC**

Smt. Juliana Rebello,  
C/o. Blasé Rebello Dias,  
Laxette, Varca-Salcete-Goa

..... Appellant

v/s

1. The Public Information Officer (PIO),  
Goa Coastal Zone Management Authority,  
C/o. Department of Environment and  
Climatic Change, Dempo Towers,  
Panaji-Goa
2. The First Appellate Authority (FAA),  
Goa Coastal Zone Management Authority,  
C/o. Department of Environment and  
Climatic Change, 4<sup>th</sup> floor,  
Dempo Towers, Panaji-Goa

....Respondents

Filed on : 27/01/2021

Decided on : 28/01/2022

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

|                           |              |
|---------------------------|--------------|
| RTI application filed on  | : 01/12/2020 |
| PIO replied on            | : 16/12/2020 |
| First appeal filed on     | : 31/12/2020 |
| FAA order passed on       | : 25/01/2021 |
| Second appeal received on | : 27/01/2021 |

## **ORDER**

1. The brief facts of this appeal are that the appellant vide application dated 01/12/2020 sought some information from respondent No. 1 Public Information Officer (PIO) under section 6(1) of the Right to Information Act, 2005 (for short, the Act). The PIO replied to the application vide letter dated 16/12/2020. Being aggrieved with the reply, the appellant filed appeal dated 31/12/2020 before respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 25/01/2021 dismissed the appeal. The Appellant then filed second appeal before the Commission with prayers such as setting aside

order of the FAA, complete information, penal and disciplinary action against the PIO and compensation to the appellant.

2. The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice, Shri. Narayan Talawanekar appeared on behalf of the PIO and Advocate V. Gracias appeared on behalf of the FAA. Shri. Talawanekar and Advocate Gracias stated that the authority was earlier not in possession of the information sought by the appellant i.e Inspection Report, however the said information is now readily available and the PIO shall furnish the same to the Appellant. Later, Advocate Gracias, on behalf of the respondents undertook to file a reply alongwith the compliance report. However neither the PIO, nor the FAA and not even their representative appeared before the Commission on subsequent, hearings and did not file any reply or compliance report.
3. Finally, on 24/01/2022 the PIO and the FAA filed their reply. The PIO stated in the reply that the information was not available in his office at the time of the RTI application. However, now, the information i.e. map plan is furnished to the appellant vide letter dated 16/12/2020. The site inspection report sought by the appellant has been furnished vide letter dated 16/12/2020. Also, report of the expert member has been furnished vide letter dated 06/05/2021. Hence the entire information has been furnished. The delay in furnishing the information is not deliberate, rather because the PIO was not in possession of the information. The entire information has been furnished by the PIO as soon as it was made available to him by the other relevant authorities.
4. The FAA stated vide reply dated 24/01/2022 that the PIO has furnished the entire information once it was available to him and therefore no request for information is pending, and that the same is

within the knowledge of the appellant. The FAA also stated that the appellant is not attending the hearing since she has received the complete information.

5. The appellant, after filing the appeal never turned up before the Commission. Number of opportunities were given to the appellant to remain present or to file her submission, despite that she has preferred to remain absent, neither registered her say nor argued her case. Rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006, framed by the Government of Goa, in exercise of the powers conferred by section 27 of the Act, allows appellant to opt not to be present for the hearing and hence in the true spirit of the Act, the Commission has decided the appeal on merit.
6. In the light of above discussion and after considering the available facts, the Commission concludes that the PIO has furnished the information to the appellant and that, he cannot be held guilty for the delay, as he was not in possession of the information at the time of the receipt of application from the appellant. However, now that the information has been furnished, the prayer for information becomes infructuous and no more intervention of the Commission is required in this matter.
7. Hence, the appeal is disposed as dismissed and the proceeding stands 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