

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 287/2021/SCIC

Piedade Travasso,
H.No. 284, Comba,
St. Jose de Areal,
Salcete-Goa.

.....Appellant

V/S

1. The Public Information officer,
The Administrator of Comunidades,
Margao-Goa 403601.

2. The First Appellate Authority,
The Additional Collector-I,
Mathany Saldanha Administrative Complex,
Margao-Goa 403601.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 19/11/2021

Decided on: 17/08/2022

ORDER

1. The Appellant, Piedade Travasso, r/o. H.No. 284, Comba, St. Jose de Areal, Salcete- Goa by his application dated 20/01/2021 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), the Administrative of Comunidades, South Zone at Margao, Goa.
2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Additional Collector -I, South Goa District at Margao Goa being the First Appellate Authority (FAA).
3. The FAA by its order dated 01/06/2021 allowed the first appeal and directed the PIO to furnish the information to the Appellant within 15 days from the receipt of the order.
4. Since the PIO failed and neglected to comply the order of the FAA, the Appellant landed before the Commission with this second

appeal under sec 19(3) of the Act alongwith the request for condonation of delay.

5. Notice was issued to the parties, pursuant to which, none appeared for the PIO and the FAA. The Appellant appeared once on 14/12/2021, however, failed to remain present on subsequent hearings.
6. Since none of the parties are appearing for the hearing since long the Commission finds no reason to further prolong the proceeding, hence proceeds to dispose the appeal on merit.
7. On going through the appeal proceeding it reveals that, the same suffers from technical anomalies. The Appellant has relied upon the judgement and order of the FAA dated 01/06/2021 alongwith the appeal memo, however he failed to produce on record the full copy of the said order.
8. Section 19 of the Act, provides for right of appeal. The right of appeal is a pure creature of statute. It provides every information seeker, a mechanism with which he can seek redressal of grievance of non-disclosure of information. The mandate of the Act is that the Commission shall decide the appeal in accordance with the rules made under section 27 of the Act, by the appropriate Government.
9. In exercise of the Powers conferred by section 27 of the Right to Information Act , 2005 and Rules framed thereunder viz Goa State Information Commission (Appeal Procedure) Rules, 2006 rule No. 4 of the said Rules reads as under:-

"4.Documents to accompany appeal.____ Every appeal made to the Commission shall be, accompanied by the following documents, namely:____

(i) self-attested copies of the Orders or documents against which the appeal is being preferred, unless, the appeal is preferred against deemed refusal;

(ii) copies of documents relied upon by the appellant and referred to in the appeal; and

(iii) an index of the documents referred to in the appeal.”

10. In order to secure end of justice, the Appellant ought to have preferred the appeal with proper documentation. However, the Appellant failed to follow the procedure laid down under the above rule, the Appellant also failed to appear before the Commission on 27/01/2022, 15/03/2022, 28/03/2022, 04/04/2022, 06/05/2022, 15/06/2022, 13/07/2022, 27/07/2022 and 17/08/2022 and clarify the irregularity inspite of considerable opportunities, when appeal is filed at belated stage with request to condone delay.

11. Considering the above fact, the appeal stands dismissed.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner