

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 128/2022/SIC**

Nazareth Baretto,  
R/o. H.No. 126, Borda,  
Margao, Salcete-Goa 403602.

-----Appellant

**v/s**

1.The Public Information Officer,  
Office of the Deputy Collector and S.D.O., Salcete,  
Matanhy Saldhana Administrative Complex,  
Margao-Goa.

2. The Public Information Officer,  
The Mamlatdar of Salcete Taluka,  
Margao-Goa.

3.The Additional Collector-I,  
First Appellate Authority,  
South Goa District,  
Margao-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 22/07/2021
Respondent No.1, PIO replied on	: 29/07/2021
Application transferred to Respondent No.2, PIO	: 29/07/2021
Respondent No. 2, PIO replied on	: Nil
First appeal filed on	: 22/09/2021
First Appellate Authority order passed on	: 24/02/2022
Second appeal received on	: 09/05/2022
Decided on	: 21/11/2022

**ORDER**

1. The second appeal filed by the appellant under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, Public Information Officer (PIO), Deputy Collector and S.D.O. of Salcete, Respondent No. 2, Public Information Officer (PIO), Mamlatdar of Salcete and Respondent No. 3, First Appellate Authority (FAA), Additional Collector- I, South Goa District, Margao-Goa, came before the Commission on 09/05/2022.
2. The brief facts of the appeal, as contended by the appellant are that, vide application dated 22/07/2021 he had sought from Respondent No. 1, PIO information on eight points. The said PIO vide reply dated 29/07/2021 requested appellant to collect the available information upon necessary payment and with respect to information on point no. 2, 6, 7 and 8 transferred the application on the same day to Respondent no. 2, PIO, Mamlatdar of Salcete. It is the contention of

the appellant that, both the PIOs failed to furnish complete information within the stipulated period, hence he filed appeal before the FAA. FAA vide order dated 24/02/2022 rejected the appeal. It is the contention of the appellant that aggrieved by the said order and the failure of the PIOs to furnish the information, he filed second appeal before the Commission.

3. Pursuant to the notice, Shri. Abhishek A. Naik, Awal Karkun appeared on behalf of Respondent no. 1, PIO and filed reply dated 10/06/2022. Smt. Sharmila Sinai Kerkar, APIO, appeared on behalf of Respondent no. 2, PIO and filed reply on 23/08/2022. Appellant appeared in person, filed written arguments on 19/07/2022 and rejoinder to reply of Respondent no. 2, PIO was filed by the appellant on 14/09/2022.
4. Respondent no. 1, PIO stated that, the appellant was requested to make necessary payment towards the copies sought at point no. 3 and 4 and with regards to point no. 1 and 5 it was informed to the appellant that the said information is not available in the records as the action was based on the checklist filed by the Mamlatdar of salcete. With respect to information sought on point no. 2, 6, 7 and 8 application was transferred to the Mamlatdar of Salcete under Section 6 (3) of the Act. Respondent no. 1, PIO contended that he has not denied the information and has replied to the appellant within the stipulated time.
5. Respondent no. 2, PIO, stated that, upon receiving the application from Respondent no.1, PIO, he furnished information on point no. 2. PIO further stated that at point no. 6 appellant has sought personal information which cannot be furnished and that for information on point no. 7 appellant should refer Goa, Daman & Diu Land Revenue Code 1968, and information on point no. 8 is not available in his records.
6. Appellant submitted that, as per the request of PIO, he made payment towards information on point no. 3 and 4, vide receipt no. 2/2021/830 dated 07/09/2021, yet he was not provided the information. Also, he presses for information on point no. 1 and 5 from Respondent no. 1, PIO. Appellant further stated that, the FAA while disposing the appeal failed to consider that, the appellant was not furnished the information on point no. 3 and 4 inspite of making requisite payment.

Appellant vide a rejoinder stated that, his application was transferred by Respondent no. 1, PIO to Respondent no. 2, PIO for furnishing information on point no. 2, 6, 7 and 8. However,

information furnished by Respondent no. 2, PIO on point no. 2 is not complete. Similarly, information on point no. 6, 7 and 8 remains to be provided to the appellant.

7. The Commission has perused the records of the present appeal. After careful perusal, it is seen that, the appellant had sought information on eight points, out of which , point no. 1, 3, 4 and 5 are dealt by Respondent no. 1, PIO, whereas point no. 2, 6, 7 and 8 are dealt by Respondent no. 2, PIO.

As per the contention of the appellant, he visited PIO's office and made payment with respect to information on point no. 3 and 4, yet he was not furnished the said information. However, the appellant has not furnished any evidence including copy of the receipt of the payment. On the other hand, PIO without any supportive evidence has claimed that the available information was furnished.

In the absence of any conclusive evidence from the either side, the Commission is unable to arrive at any conclusion on whether the information on above mentioned points is furnished or not. In such a situation, the Commission holds that the FAA has dealt with the matter and the findings of the FAA pertaining to information sought on point no. 1, 3, 4 and 5 needs to be upheld.

8. The application with respect to information on point no. 2, 6, 7 and 8 was transferred to Respondent no. 2, PIO and the appellant contended that the complete information on these points is not received by him from Respondent no. 2, PIO.

However, it is seen that the appellant had not filed appeal against the said decision of Respondent no. 2, PIO before the First Appellate Authority. Appellant if, aggrieved by the decision of the PIO is required to file first appeal under Section 19 (1) of the Act, before the FAA. In the instant case, appellant had filed appeal before the FAA against Respondent no. 1, PIO. Respondent no. 2, PIO, being the Mamlatdar of Salcete, the first appeal against the said PIO is required to be filed before the Deputy Collector, South Goa, Margao-Goa. Appellant cannot approach the Commission by way of second appeal against Respondent no.2, PIO without exhausting remedy of filing first appeal under Section 19 (1) of the Act. Hence, the prayer against Respondent no. 2, PIO cannot be considered by the Commission.

9. In the background of the findings, as mentioned above, the Commission concludes that the order passed by the FAA is

appropriate and there is no need of any rethinking on the said order of the FAA. The instant appeal is bereft of merit and the same is disposed with the following order:-

- a) Order of the FAA dated 24/02/2022 is upheld.
- b) The present appeal is dismissed.

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