

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 212/2022/SIC

Shri. Jawaharlal T Shetye,
H.N. 35/A Ward No. 11,
Khorlim, Mapusa - Goa 403507.

-----Appellant

v/s

1. The Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

2. The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 12/05/2022
PIO replied on	: Nil
First appeal filed on	: 14/06/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 27/07/2022
Decided on	: 12/12/2022

ORDER

1. Aggrieved by non furnishing of the information and non hearing of the first appeal, appellant under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 27/07/2022.
2. Notice was issued to the concerned parties, pursuant to which appellant appeared praying for information. PIO appeared in person, whereas, Ms. Pallavi S. Dicholker appeared on behalf of the FAA.
3. During the hearing, Ms. Pallavi S. Dicholker filed a reply dated 13/10/2022, on behalf of the FAA. The said reply stated that, the earlier FAA did not hear the first appeal within the mandatory period. The present FAA joined the office on 24/08/2022 and upon perusing the appeal memo of the present matter he noted that the appeal was not heard. The FAA further submitted that the present matter may be remanded to FAA to hear afresh. Appellant, who was present on 08/11/2022, endorsed the request of the FAA.

4. In the background of the facts mentioned above, the Commission finds that the matter needs to be remanded to the FAA. Hence, the appeal is disposed with the following order:-

a) The present matter is remanded to the FAA and the FAA is directed to hear and dispose the matter on merit.

b) The appellant, if aggrieved by the order of the FAA, shall have right to file second appeal under Section 19 (3) of the Act, within the period of limitation.

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