

# GOA STATE INFORMATION COMMISSION

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

## **Appeal No. 66/2021/SIC**

Shri Vailan Fernandes

H. No. 38, Near St. Mathew's Church,

Azossim-Goa

.....Appellant

V/s.

1. Public Information Officer (PIO),

Captain of Ports, Panaji-Goa

2. First Appellate Authority (FAA),

Captain of Ports, Panaji-Goa

.....Respondent/Opponent

Filed on : 17/03/2021

Decided on : 22/10/2021

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

RTI application filed on : 14/09/2020

PIO replied on : 07/10/2020

First appeal filed on : 23/11/2020

FAA order passed on : 16/12/2020

Second appeal received on : 17/03/2021

## **ORDER**

1. The second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act) by Shri. Vailan Fernandes, resident of Azossim Goa, against Respondent No. 1 Public Information Officer (PIO), Captain of Ports Department, Panaji-Goa and Respondent No. 2, First Appellate Authority (FAA), Captain of Ports, Panaji-Goa, came before this Commission on 17/03/2021.
2. The brief facts leading to the second appeal, as contended by the Appellant are that the Appellant had sought information on nine points from the PIO vide application dated 14/09/2020. The PIO vide reply dated 12/10/2020 furnished incomplete information. The Appellant therefore, filed appeal before the FAA on 23/11/2020. The FAA, without issuing notice to the Appellant passed the order with no relief to the Appellant.
3. Being aggrieved by the order dated 16/12/2020 passed by the FAA the Appellant filed second appeal before the Commission. Praying for (a) permission to inspect the records, (b) Directions to PIO to furnish complete information, and (c) Penalty on PIO. The concerned parties

were notified and the matter was taken for hearing. The PIO Shri. Ram Asare M. Gupta appeared in person alongwith Advocate K. L. Bhagat, where as the FAA was represented by Ms. Nisha Naik under authority letter. The PIO and FAA filed reply dated 15/07/2021. The Appellant remained absent during the proceeding.

4. The PIO stated in his reply that the information sought by the Appellant was concerning different sections of the office of Captain of Ports. Therefore the PIO sought assistance of all the concerned dealing hand who are responsible for maintaining the relevant records. Information received from all the dealing hands was furnished to the Appellant vide letter dated 07/10/2020. That the PIO has furnished information as defined in section 2(f) of the Act. Whatever information is available in records has been furnished to the Appellant and there is no any malafide intention on the part of the PIO.
5. The FAA has contended in the reply that the notice dated 26/11/2020 was issued to the Appellant therein intimating the date of hearing of the first appeal as 16/12/2020. However the Appellant chose to remain absent, neither he sent any communication for adjournment, nor did he depute his representative to attend the hearing on his behalf. That the FAA has disposed first appeal within the stipulated time.
6. It is seen from appeal memo that the Appellant has claimed that notice of hearing was not sent to him by the FAA, and information furnished by the PIO is incomplete. However, the FAA furnished copy of the notice dated 26/11/2020, intimating Appellant of the hearing on 16/12/2020 showing the said notice was dispatched to the Appellant's address on 17/11/2020. Also the PIO has submitted that the information furnished to the Appellant is not in the format sought by him however the information has been furnished in the available format.
7. Section 2(f) of the Act defines information as :-
  2. Definitions.- in this Act, unless the context otherwise requires,- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force:-

8. Considering the above definition of 'information' and subscribing to the ratio laid down by Hon'ble High Court of Bombay at Goa bench in the case of Celsa Pinto V/s. Goa State Information Commission, the Commission concludes that the PIO has furnished available information to the Appellant. However, Commission has considered Appellant's prayer for inspection of records in PIO's Office, In view of the above the appeal is disposed with the following:-

- (a) The PIO has furnished available information and the Appellant has registered no say against the version of PIO. Therefore the prayer for information becomes infructuous.
- (b) The Appellant may undertake inspection of records in PIO's office pertaining to information sought vide application dated 14/09/2020, within 10 days of the receipt of this order, with prior intimation to the PIO.
- (c) The PIO is directed to provide inspection to the Appellant, if desired by him as mentioned above and furnish information if any, sought by the Appellant after the inspection, within 7 days from the date of request.
- (d) All other prayers are rejected.

9. Hence the appeal is disposed accordingly and proceedings stand closed.

Pronounced in the open hearing.

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