

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 242/2021/SIC

Shri. Ramesh Kerkar,
R/o. H. No. 3/15, Maddawadi,
Saligao, Bardez-Goa, 403511

....Appellant

V/s

1. The Public Information Officer(PIO)/
Village Panchayat Secretary,
Saligao-Goa
2. Block Development Officer /
First Appellate Authority (FAA),
Mapusa, Bardez-Goa

.....Respondents

Filed on : 28/09/2021

Decided on : 25/03/2022

Relevant dates emerging from appeal:

RTI application filed on	: 19/07/2021
PIO replied on	: 19/08/2021
First appeal filed on	: 07/09/2021
FAA order passed on	: 14/09/2021
Second appeal received on	: 28/09/2021

ORDER

1. The second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act) by the appellant against respondent No. 1 Public Information Officer (PIO) and Respondent No. 2 First Appellate Authority (FAA), came before the Commission on 28/09/2021. Appellant prays for complete information, imposition of penalty on respondents and disciplinary action against respondents.
2. The brief facts of this appeal, as contended by the appellant are that vide application dated 19/07/2021 he sought information from PIO. PIO furnished part and misleading information vide reply dated 19/08/2021. Being aggrieved, appellant filed appeal dated 07/09/2021 before FAA. FAA vide order dated 14/09/2021 disposed the appeal relying on the reply filed by the PIO. The appellant contends that the said

order is arbitrary and being aggrieved, filed second appeal before the Commission.

3. The concerned parties were notified and the matter was taken on board for hearing. Pursuant to the notice, appellant appeared in person. Ms. Pravisha Bhonsle, PIO, appeared on 07/12/2021 and filed reply on the same day. Appellant filed submission dated 04/01/2022 and argued on 15/02/2022.
4. PIO stated in the reply that detail information as sought has been furnished to appellant vide reply dated 19/09/2021, within the stipulated period. Whatever information available in the records has been furnished and appellant has received the same. Also the FAA in his order has stated that the appellant is satisfied with the information. Hence the PIO prays for disposal of the appeal.
5. Appellant stated that PIO has furnished him misleading information which he had not sought, therefore he desires correct information. Also the first appeal filed by him before FAA is not heard in the true spirit of the Act and arbitrary order was passed. Appellant further submitted that he was not given an opportunity to go through the content of reply filed by the PIO before the FAA. During the hearing on 14/09/2021 the FAA randomly decided that the appellant is satisfied with the information and closed the proceeding without giving him opportunity to say anything.
6. The Commission has perused the submissions and records of this appeal. It appears, after careful perusal, that the appellant sought information pertaining to Agreement of Lease signed between Sarpanch of Village Panchayat Saligao of one part and Devanand Kudnekar and Rupesh Kudnekar of the other part. He sought information on various points, however complete and correct information is not furnished to him by the PIO, hence he filed appeal before FAA.
7. It is seen from the records that the FAA heard the appeal on 07/09/2021 and 14/09/2021 and passed the order on 14/09/2021. Appellant was present on both the occasion, PIO was absent on 07/09/2021 and her authorised representative appeared before FAA on 14/09/2021. PIO filed reply before the FAA claiming that the available information has been furnished. PIO filed similar reply before the Commission during the hearing on second appeal on 07/12/2021. The proceeding

sheet of FAA which contains overwriting shows that after hearing the matter on 14/09/2021, FAA kept further hearing on 21/09/2021, yet he passed order on 14/09/2021, concluding that the appellant is satisfied with the information. On the other hand, appellant stated before the Commission that he was not given an opportunity to go thorough the reply of PIO and register his say.

8. Later, notice dated 14/10/2021 for appearance and filing say was issued by the Registry of the Commission to PIO as well as FAA. However FAA chose not to attend the proceeding, did not even file any submission, more so inspite of appellant terming the order of FAA as arbitrary. In such a situation FAA was required to appear or atleast file submission though authorised representative. This was necessary as grievance has been raised on the merit of his proceeding and order.
9. On this background the Commission is of the opinion that the FAA is required to hear the matter afresh on merit, in true spirit of the Act, by giving opportunity to the appellant to register his say and then pass an appropriate order. Thus the matter needs to be remanded to FAA for fresh hearing.
10. In the light of the above discussion, the appeal is disposed with the following order:-
 - (a) The matter is remanded to the First Appellate Authority (FAA), Block Development Officer, Mapusa, Bardez-Goa and the FAA is hereby directed to hear first appeal filed by the appellant before him. The FAA shall decide the same on merit in accordance with law, without insisting on the period of limitation.
 - (b) The appellant shall approach the Commission by way of second appeal/complaint, if aggrieved by the decision of the FAA, within the period of limitation.
11. 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