

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 272/2021/SIC

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

..... Appellant

v/s

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

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

..... Respondents

Filed on : 29/10/2021

Decided on: 25/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 24/06/2021
PIO replied on	: Nil
First appeal filed on	: 28/07/2021
FAA order passed on	: Nil
Second appeal received on	: 29/10/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 24/06/2021 sought some information under section 6(1) of the Right to Information Act, 2005 (for short, the Act). Aggrieved by non furnishing of information by respondent No. 1 Public Information Officer (PIO) and non hearing of the appeal by respondent No. 2 First Appellate Authority (FAA), within the stipulated period as mandated by the Act, the appellant preferred second appeal under section 19(3) of the Act. The appellant prayed for information, award of compensation and penal action against the respondents.
2. The concerned parties were notified vide notice dated 15/11/2021 and the matter was taken up for hearing. It is seen from the records that application dated 24/06/2021 is not replied by the PIO. It is the statutory right of the appellant to file application for

information under section 6(1) of the Act, and under section 7(1) PIO is required to furnish information within 30 days from the receipt of the application. The appellant, after waiting for information and expiry of the statutory period, filed appeal under section 19(1) of the Act, for redressal of his grievance against the PIO, and under section 19(6) of the Act the FAA is required to decide the appeal within the maximum period of 45 days.

3. It is also seen that neither the appellant, nor the respondents filed submission or reply during the proceeding of this appeal. The Act has been enacted in order to ensure free flow of information and to bring complete transparency in the administration. Considering this object of the Act, the Commission is of the opinion that the interest of the appellant needs to be protected, and at the same time opportunity needs to be given to the PIO to justify deemed denial of the information, as provided under section 19(5) of the Act.
4. Going by the procedures laid down in the Act, the Commission concludes that the present matter needs to be heard by the FAA and appropriate directions, if required, needs to be issued to the PIO. In order to decide the matter in accordance with the law and procedure set in the appellate structure, matter is required to be remanded to the FAA.
5. Accordingly, the appeal is disposed with the following order:-
 - (a) The matter is remanded to the First Appellate Authority (FAA), Chief Officer, Mapusa Municipal Council and the FAA is directed to decide the same in accordance with the law.
 - (b) The right of appellant to file second appeal in case he is aggrieved by the order of the FAA, is kept open.

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