

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 280/2021/SIC

Dr. D. J. De Souza,
C/o. Luz Lab, Libania Bldg.,
B/H Lily Garments, New Market,
Margao-Goa

..... Appellant

V/s

1. The Public Information Office (PIO),
Department of Civil Supplies and Consumer Affairs,
Junta House, 2nd floor,
Panaji-Goa

2. The First Appellate Authority (FAA),
& Joint Secretary (Law),
Secretariat,
Porvorim-Goa 403501

..... Respondents

Filed on : 08/11/2021

Decided on : 17/03/2022

Relevant dates emerging from appeal:

RTI application filed on	: 23/06/2021
PIO replied on	: 06/08/2021
First appeal filed on	: 21/07/2021
FAA order passed on	: 30/08/2021
Second appeal received on	: 08/11/2021

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 23/06/2021 sought certain information from Public Information Officer (PIO), Law Department, Government of Goa. The said application was transferred to respondent No. 1 Public Information Officer (PIO), Department of Civil supplies and Consumer Affairs and the respondent PIO vide letter dated 06/08/2021 furnished the information to the appellant. It is the contention of the appellant that the information furnished by the PIO is flawed and false. He filed appeal dated 21/07/2021 before the First Appellate Authority, Joint Secretary (Law), Secretariat,

Porvorim, challenging the decision of PIO, Law Department to transfer the application to respondent No. 1 PIO, Department of Civil Supplies and Consumer Affairs. FAA, vide order dated 30/08/2021 dismissed the appeal.

2. Being aggrieved with both the respondents, appellant preferred second appeal before the Commission with following prayers:-

- (a) Quash and set aside order of the FAA.
- (b) Set out the correct and justifiable guidelines based on CPA of 1986 and CPA 2019 and not of Goa Consumer Protection Act 1986 and the rules framed thereon.
- (c) Pass necessary directions on the respondents to fill up the vacancies of Members and President.
- (d) Any other order in the interest of justice.

3. The matter was taken up on board for hearing. Pursuant to the notice of the Commission, appellant appeared in person whereas PIO was represented by Advocate M. Navelkar. However no submissions are filed by the either side.

4. Upon perusal of the records it is observed that the appellant had filed his application to the PIO of Law Department. The said PIO under section 6(3) of the Right to Information Act, 2005 (for short, the Act) transferred the application to the PIO, Department of Civil Supplies and Consumer Affairs, since the subject matter is pertaining to the Department of Civil Supplies and Consumer Affairs. The PIO furnished information vide letter dated 06/08/2021 and informed the appellant that the First Appellate Authority is the Director, Civil Supplies and Consumer Affairs.

It is noted that the PIO, Department of Civil Supplies and Consumer affairs furnished information after the stipulated period, however the delay is not substantial. Yet, it is seen that the appellant, without waiting for the expiry of the stipulated period, filed first appeal before the respondent No, 2 FAA, Joint Secretary (Law), challenging the action of PIO, Law Department of transferring his application to PIO, Department of Civil Supplies and Consumer Affairs. The FAA

rightly upheld decision of PIO, Law Department and dismissed the appeal.

The appellant has sought information regarding the strength of State Consumer Commission and steps taken to fill the vacancies in the Commission. The administration of State Consumer Commission falls under the purview of the Department of Civil Supplies and Consumer Affairs, and hence the information sought by the appellant has to be in the records of the said department. Therefore action of PIO, Law Department of transferring application under section 6(3) of the Act to PIO, Department of Civil Supplies and Consumer affairs is valid as per the provision of the Act. Also, order dated 30/08/2021 issued by the FAA, Joint Secretary (Law) upholding PIO's (of Law Department) action and dismissing the appeal cannot be faulted and hence the question of quashing the same does not arise.

5. Appellant contends that the information furnished by respondent No. 1 PIO is flawed and false. That being so, if the applicant is aggrieved with the information furnished vide reply dated 06/08/2021, then he is required to file appeal under section 19(1) of the Act before the First Appellate Authority, Director, Civil Supplies and Consumer Affairs, as mentioned by the PIO in his reply.
6. Hence, the Commission concludes that the appellant is required to file first appeal before the FAA, Director of Civil supplies and Consumer Affairs, in order to address his grievances against the respondent PIO. The Commission also culminate that the prayers as mentioned at Para 2(b) and 2(c) cannot be considered since the same are outside the jurisdiction of the Commission.
7. In the light of above discussion the appeal is disposed with the following order:-
 - a) The appellant, if desires, may file first appeal against the reply of PIO dated 06/8/2021, before the First Appellate Authority, Director of Civil supplies and Consumer affairs, within 15 days from the receipt of this order.
 - b) The FAA, Director of Civil supplies and Consumer Affairs is directed to hear and decide the appeal, if

filed by the appellant, without insisting on the period of limitations, in accordance with the law.

c) All other prayers are rejected.

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