

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 84/2022/SIC**

Shri Vilas Vishwanath Naik,  
H. No. 133 (3) Nachnolwada,  
Advalpal Post,  
Assonora-Goa 403503

..... Appellant

**V/s**

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

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

..... Respondents

Filed on : 10/03/2022

Decided on: 21/04/2022

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

RTI application filed on	: 19/11/2021
PIO replied on	: Nil
First appeal filed on	: 28/12/2021
FAA order passed on	: Nil
Second appeal received on	: 10/03/2022

## **ORDER**

1. The brief facts of this appeal are that the appellant vide application dated 19/11/2021 sought information on 15 points from Respondent No. 1 Public Information Officer (PIO). Aggrieved by no response from the PIO within the stipulated period he filed appeal dated 28/12/2021 before Respondent No. 2 First Appellate Authority (FAA). Appellant filed second appeal before the Commission on 10/03/2022 stating that the FAA has not decided the appeal within the mandatory period.

2. Pursuant to the notice of the Commission, Appellant appeared in person on 12/04/2022. Shri. Vyankatesh Sawant, the then PIO appeared and filed reply stating he has been transferred from Mapusa Municipal Council. Appellant stated that he did not receive within the stipulated period and on 07/02/2022 received two letters dated 31/01/2022 from PIO which are meaningless replies. Appellant further stated that he is aggrieved since the FAA has not heard the appeal. By stating this, the appellant requested the Commission to remand the matter to the FAA with directions to the authority to hear and decide the matter on merit.
3. On perusal of the records it appears that the appellant did not receive any reply from the PIO within the stipulated period and also, his first appeal is not heard by the FAA. Non hearing of the the appeal has deprived the appellant of his right to seek information redressal from the First Appellate Authority. Section 19(6) mandates FAA to decide the appeal within the maximum period of 45 days. Similarly section 19 (5) puts the onus on PIO to prove that the denial of a request was justified. However, non hearing of the appeal by FAA has caused inconvenience to the appellant as well as to the PIO.
4. In the light of the facts of this matter, the Commission concludes that the matter needs to be remanded to the FAA with the direction to the FAA to decide the appeal as per the provisions of the Right to Information Act, 2005.
5. Hence the Appeal is disposed with the following order:-
  - (a) The matter is remanded to the First Appellate Authority (FAA) 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