

**GOA STATE INFORMATION COMMISSION**

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

**Complaint No. 16/2022/SIC**

Avelino Menino Furtado,  
A-204, Allan Villa, Kalina Church Road,  
Kalina, Santa Cruz (E) Mumbai 400029.

-----Complainant

**v/s**

1. Shanti Makwana Harding,  
Public Information Officer,  
Department of Public Grievances,  
Secretariat,  
Porvorim-Goa 403521.

2. The First Appellate Authority,  
Department of Public Grievances,  
Secretariat,  
Porvorim-Goa 403521.

-----Opponents

Filed on:-04/05/2022  
Decided on: 29/07/2022

**Relevant dates emerging from appeal:**

RTI application filed on	: 24/02/2022
PIO replied on	: 02/03/2022
First appeal filed on	: 25/04/2022
First Appellate authority order passed on	: Nil
Complaint received on	: 04/05/2022

**ORDER**

1. Aggrieved by non furnishing of the information and non disposal of the first appeal, the complainant filed complaint under section 18 of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Opponent No. 1, Public Information Officer (PIO) and Opponent No. 2, First Appellate Authority (FAA), which came before the Commission on 04/05/2022.
2. The complainant herein vide application dated 24/02/2022 had sought certain information from the PIO. Upon receiving no information, he filed appeal dated 25/04/2022 under Section 19 (1) of the Act. As contended by the appellant he was not provided the particulars of the FAA by the PIO, hence he requested the PIO to transfer the first appeal to the concerned authority. Later, on 04/05/2022 the complainant preferred this complaint before the Commission.

3. Pursuant to the notice, Smt. Shanti Makwana Harding, PIO appeared on 14/06/2022 and filed submission on the same day, and filed another submission dated 07/07/2022. Submission from the complainant was received in the registry on 25/05/2022.
4. After perusal of the complaint memo it is observed that the complainant, being aggrieved by non furnishing of the information under Section 19(1) of the Act preferred appeal dated 25/04/2022. As provided under Section 19(6) of the Act, FAA is required to dispose the first appeal within thirty days of the receipt of the appeal or within such extended period, not exceeding a total of 45 days from the date of filing thereon, for reasons to be recorded in writing. Meaning, FAA gets maximum of 45 days period to decide the appeal. Complainant in the present matter, filed first appeal on 25/04/2022 and soon after within 10 days filed complaint under Section 18 of the Act before the Commission, by denying the FAA due time to hear the appeal.
5. In such a situation, the Commission finds that the complainant is required to abide by the period of limitation as provided under the Act. Hence the present matter needs to be remanded to the FAA for hearing and passing an appropriate order.
6. The Commission notes the fact that the complainant has submitted first appeal before the PIO with a request to transfer the appeal before the concerned authority, since he was not provided by the PIO, the particulars of the appellate authority. Hence, the Commission concludes that as provided in the Act, the PIO is required to provide particulars of the appellate authority, to the complainant.
7. Among other prayers, the complainant has prayed for the information. The present matter being the complaint filed under Section 18 of the Act, the Commission has no jurisdiction to direct the PIO to furnish the information. However, the PIO vide her submission has stated that the information sought has been kept ready in her office and the appellant was informed more than once to collect the same from PIO's office. This being the case, the complainant if desires may approach PIO as requested by her.
8. In the light of above discussion, the present complaint is disposed with the following order:-
  - a) PIO is directed to furnish particulars of the First Appellate Authority (FAA) to the complainant, within seven days from the receipt of this order.

- b) Complainant, if desires, may file appeal under Section 19 (1) of the Act before the FAA, within 30 days from the receipt of the particulars of the appellate authority, from the PIO.
- c) FAA is directed to hear and decide the appeal without insisting on the period of limitation, if filed by the complainant.
- d) Complainant shall have the right to approach the Commission by way of complaint under Section 18 or appeal under Section 19 (3) of the Act, if aggrieved by the order of the FAA, within the period of limitation.

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

