

GOA STATE INFORMATION COMMISSION

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

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 24/2023/SIC

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

-----Appellant

v/s

1. The Public Information Officer,
Rajendra Bagkar (Head Clerk),
Mapusa Municipal Council,
Mapusa-Goa 403507.

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

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 02/11/2022
PIO replied on	: Nil
First appeal filed on	: Not clear
First Appellate Authority order passed on	: Not clear
Second appeal received on	: 12/01/2023
Decided on	: 14/08/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA) came before the Commission on 12/01/2023.
2. It is the contention of the appellant that the information sought by him was not furnished by the PIO within the stipulated period of 30 days and even after the direction by the FAA. Thus, he was compelled to file second appeal before the Commission.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. While perusing the appeal memo, it is noticed that the subject matter of the present appeal is application dated 02/11/2022, filed by the appellant before the PIO and the appellant also contends in the appeal memo that he filed first appeal before FAA on 06/12/2022 and the FAA disposed the appeal on 23/12/2022.

However, upon careful perusal it is discovered that the copy of first appeal enclosed by the appellant alongwith appeal memo shows that the said appeal was received in the FAA's office on 18/04/2022 and the said appeal refers to the application dated 11/03/2022 and not application dated 02/11/2022. Similarly, copy of FAA's order enclosed alongwith appeal memo shows that the said order was passed on 15/12/2022 and not on 23/12/2022, as claimed by the appellant in the appeal memo.

4. In view of the above mentioned discrepancies found in the appeal memo, the Commission has no conclusive record of the first appeal filed by the appellant and the precedent before the Commission is that the second appeal shall not proceed unless the appellant exhausts the remedy of filing first appeal under Section 19 (1) of the Act before the FAA. In such a situation, the Commission holds that the instant appeal is not maintainable.
5. In the background of the facts as mentioned above, the Commission concludes that the present appeal is not maintainable, hence, the same is disposed as dismissed.

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.

