

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. 326/2023/SIC

Mr. Leslie Steven De Souza,
House No. E/8, 158,
Opposite the Court,
Altinho Mapusa Bardez-Goa, 403507.

-----Appellant

v/s

1. The First Appellate Authority,
Office of Urban Development (Municipal Administration),
1st Floor, Dempo Towers, EDC Plaza,
Panaji-Goa 403001.

2. The Public Information Officer,
Office of Urban Development (Municipal Administration),
1st Floor, Dempo Towers, EDC Plaza,
Panaji-Goa 403001.

3. Deemed Public Information Officer,
Mapusa Municipal Council,
Mapusa, Bardez-Goa 403507.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 12/06/2023
Application transferred on	: 20/06/2023
PIO replied on	: Nil
First appeal filed on	: 10/08/2023
First Appellate Authority order passed on	: Nil
Second appeal received on	: 15/09/2023
Decided on	: 22/12/2023

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, First Appellate Authority (FAA), Office of Urban Development, Respondent No. 2, Public Information Officer (PIO), Office of Urban Development and Respondent No. 3, Deemed Public Information Officer (Deemed PIO), Mapusa Municipal Council, which came before the Commission on 15/09/2023.
2. The concerned parties were notified, pursuant to which, appellant appeared in person and filed submission dated 12/12/2023. Smt. Shivani Nadkarni appeared on behalf of the FAA, under authority letter and filed reply dated 09/11/2023. Shri. Ganesh Barve, Respondent No. 2, PIO appeared in person and filed reply dated 09/11/2023. None appeared for Respondent No. 3, Deemed PIO.

3. During the hearing on 18/12/2023, appellant stated that his application was transferred by Respondent No. 2, PIO to Respondent No. 3, Deemed PIO, Mapusa Municipal Council. Further, the appellant has not received any reply, nor any information has been furnished to him by Respondent No. 3, Deemed PIO. Appellant further submitted that, being aggrieved by non response from Respondent No. 3, Deemed PIO, he approached the Commission by way of second appeal and during the present proceeding was apprised of the provisions that he was required to file first appeal before the FAA of Mapusa Municipal Council, before approaching the Commission.
4. Upon stating this, the appellant with his signature on the appeal memo, requested the Commission to close the present proceeding and to allow him to file first appeal before the FAA, Mapusa Municipal Council.
5. The Commission is of the opinion that, the appellant should be allowed to file first appeal under Section 19 (1) of the Act, the same being his statutory right. Thus, the present proceeding needs to be disposed according by passing an appropriate order, so that, the appellant will be able to file first appeal before the Chief Officer, Mapusa Municipal Council.
6. In the background of the facts as mentioned above, the present appeal is disposed with the following order:-
 - a) The appellant is granted liberty to file first appeal under Section 19 (1) of the Act, before the First Appellate Authority, Chief Officer, Mapusa Municipal Council, Mapusa, Bardez-Goa, against the deemed refusal of the information sought vide application dated 12/06/2023, within 15 days from receipt of this order.
 - b) If such an appeal is filed, the First Appellate Authority (FAA), Mapusa Municipal Council is directed to decide the same on merit in accordance with law, without insisting on the period of limitation.
 - c) The right of appellant to file second appeal/ complaint in case the appellant is aggrieved by the order of the first appellate authority, 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.