

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 40/2023/SIC

Shri. Narayan Datta Naik,
H.No. 278/1 (3),
Savorfond, Sancoale,
403710.

-----Appellant

v/s

1. Ramesh Parsekar,
P.I.O. of MPDA, Vasco da Gama, Goa.

2. Member Secretary,
Mormugao Planning & Development Authority,
Vasco da-Gama, Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 21/10/2022
PIO replied on	: 21/11/2022
First appeal filed on	: 23/11/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 27/01/2023
Decided on	: 18/05/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought information on three points. It is the contention of the appellant that PIO failed to furnish the information within the stipulated period, hence, he filed appeal before the First Appellate Authority which was not heard by the authority. Being aggrieved, appellant under Section 19 (3) of the Act filed second appeal against Respondent No. 1, Shri. Ramesh Parsekar, Public Information Officer (PIO), Mormugao Planning & Development Authority and Respondent No. 2, First Appellate Authority (FAA), Mormugao Planning & Development Authority which came before the Commission on 27/01/2023.
2. Notice was issued to the concerned parties, pursuant to which appellant appeared in person and prayed for the information Advocate Jennifer Miranda appeared on behalf of Respondent PIO and undertook to furnish the information.
3. During the proceeding on 02/05/2023 Advocate Jennifer Miranda stated that, information has been furnished to the appellant. On the other hand, appellant who was present in person acknowledged

receipt of the information and requested the Commission to dispose the matter.

4. Upon perusal it is seen that, the PIO has furnished the information to the satisfaction of the appellant, though he could have furnished the same within the stipulated period. PIO had issued reply to the application on 31st day hence, appellant did not pay the requisite charges as requested by the PIO and insisted on getting the information free of charge. On this background the Commission on 20/04/2023 directed PIO to furnish the information free of charge. PIO complied with the said direction.
5. Earlier, appellant under Section 19 (1) had filed first appeal before the FAA. The said appeal was neither heard, nor decided. By not deciding the appeal FAA has done injustice to the appellant as well as to the PIO. Seeking information under Section 6 (1) of the Act is the statutory right of the citizen which was denied to him by the PIO. Similarly, hearing of the first appeal would have given under Section 19 (5) of the Act, an opportunity to the PIO to justify his action, which was denied to him by the FAA. Thus, the FAA is directed hereafter to dispose appeals as provided under Section 19 (6) of the Act, within maximum of 45 days and the PIO is directed hereafter to respond to the applications within the stipulated period as provided under Section 7 (1) of the Act.
6. In the light of above discussion the Commission finds that, the information sought by the appellant vide application dated 21/10/2022 has been furnished and no more intervention of the Commission is required in the instant matter. Thus, the present appeal is disposed accordingly and the 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

