

# GOA STATE INFORMATION COMMISSION

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

E-mail: spio-gsic.goa@nic.in Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

## **Appeal No. 115/2024/SCIC**

Mrs. Florina Silva,  
R/o. H. No. 262, Donvaddo,  
Salvador do Mundo,  
Bardez Goa-403101.  
V/s

**-----Appellant**

1.Public Information Officer,  
Firdous Saba Bepari,  
Joint Civil Registrar,  
Sub Registrar, Bardez-II,  
Mapusa Goa.

2.First Appellant Authority,  
District Registrar,  
Junta House, Panaji – Goa.

**-----Respondents**

**Shri Aravind Kumar H. Nair – State Chief Information Commissioner**

### **Relevant Facts Emerging from the Appeal.**

<b>RTI application filed on</b>	<b>- 21-12-2023</b>
<b>PIO replied on</b>	<b>- 18-01-2024</b>
<b>First Appeal filed on</b>	<b>- 25-01-2024</b>
<b>First Appellate order on</b>	<b>- 29-02-2024</b>
<b>Second appeal received on</b>	<b>- 27-05-2024</b>
<b>Decision of the Second Appeal on</b>	<b>- 31-01-2025</b>

### **Information Sought and background of the Appeal.**

1. Mrs. Florina Silva filed on RTI application dated 21/12/2023, to the Public Information Officer, Civil Registrar cum Sub Registrar(HQ), Panaji seeking following information:
  - i. "Certified copy of letter No. RDS/357/02 dated 09/09/2002 of DR. Panaji Reference No.11/74 dated 19/09/2002 regarding marriage between Antonio Caetano Francisco D'Souza and Francisquinha Carmelina Siqueira cancelled and null and void. Also furnish certified copy of all enclosures, entire noting, file and all correspondence regarding above mentioned letter.
  - ii. Fix date for inspection of the above mentioned file.
  - iii. If the required information in the above subject is held by another Public Authority, kindly transfer the application".

2. PIO, Joint Civil Registrar cum Sub-Registrar, Bardez-II Mapusa vide letter dated 18/01/2024 replied as under :

*"It is to inform you that search has been made in the available office records and it is to inform that the said endorsement is available. You are hereby requested pay necessary fees Rs. 200/- for Teor Marriage Certificate Endorsement.*

*Further with respect to certified copy of all enclosures, order, entire file, entire noting and all correspondence regarding the Endorsement, it is to state that search has been made in the available office records and upon search, the same could not be traceable.*

*You may visit this office on any working day during office hours and in respect the available office records on payment of prescribed fees."*

3. Documents submitted by the Appellant along with the second appeal revealed that PIO vide letter dated 25/01/2024 replied to the Appellant that the RTI application dated 21/12/2023 is already replied vide letter dated 18/01/2024. Again vide letter dated 25/01/2024 PIO replied to the Appellant furnishing the reply identical to the one provided by letter dated 18/01/2024.
4. Aggrieved, unsatisfied and unhappy with the reply of the PIO, Appellant filed first appeal dated 25/01/2024 to the First Appellant Authority (District Registrar, North, Junta House, Panaji) requesting to direct the PIO to provide information as requested vide RTI application dated 21/12/2023 and to refund excess fee obtained by the PIO under the RTI Act, 2005.
5. Hearing in the first appeal was fixed for 08/02/2023 but vide letter dated 08/02/2023, Appellant informed the FAA that she would not be able to attend the hearing as she has another Court matter on the same date and requested to fix any date between 12/02/2024 to 15/02/2024. Therefore, hearing was held on 28/02/2025 wherein Appellant and Respondent PIO were present.
6. During the course of hearing, FAA found that the records pertaining to the cancellation of marriage are not available in the PIO's office. Accordingly, the FAA disposed off the First Appeal and issued an order dated

29/02/2024 directing the Appellant to apply the certified copy of the cancellation of marriage records in the High Court of Bombay at Goa.

7. Aggrieved by the order passed by the FAA, Appellant preferred second appeal dated 27/05/2024 praying the Commission to issue direction to the Respondent PIO to provide the information sought vide application dated 21/12/2023.
8. Pursuant to the second appeal, parties were notified fixing the matter for hearing before the SCIC on 13/01/2025. Appellant was present and Shri. Siddhesh Chari, LDC appeared on behalf of Respondent No. 1 (PIO Malini P. Sawant).

### **FACTS EMERGING IN COURSE OF HEARING**

9. During the hearing on 13/01/2025, Respondent PIO filed a written submission, through authorized person, stating that the present appeal filed by the Appellant is not maintainable in fact and laws as the First Appellant Authority has rightly passed the order directing the Appellant to file appropriate application for certified copy before the Hon'ble High Court of Bombay at Goa.
10. Respondent PIO further submitted that the documents which are available with PIO's office have already furnished to the Appellant. With regard to the Appellant's prayer for the return of excess fee charged (total Rs. 200) for the documents provided, Respondent PIO submitted that fees charged for the documents are strictly as per the prescribed fee schedule.
11. During the final hearing today dated 31/01/2025, Respondent No. 2 (FAA/District Registrar) vide letter dated 28/01/2025 authorized Mr. Rolland P. Mergulhao (UDC/Asst. PIO) to appear and plead in the matter on behalf of Respondent No. 2. Appellant was present but the Respondent PIO was absent.
12. Respondent PIO in reply dated 13/01/2025 submitted that the documents which were available with the office of the PIO are already furnished to the Appellant. Moreover, the Appellant had inspected the book of marriage

registered and after being identified the same collected on payment of prescribed fees.

13. The Commission is of the opinion that the FAA has rightly disposed the first appeal as the order and file noting sought by the Appellant could not be furnished by the Respondent PIO being Court record and not available in the office of the PIO. The FAA in the order advised the Appellant to file appropriate application before the Hon'ble High Court seeking certified copy of the cancellation of marriage records in the High Court of Bombay at Goa.

### **DECISION**

**Since the PIO has furnished available information in the office to the Appellant and other information sought by the Appellant is not held by or in the custody of the Respondent PIO, the Commission decided to dispose the matter today i.e. 31/01/2025 with the advice to the Appellant to approach the Patriarchal Tribunal of the Archdiocese of Goa and Daman, Altinho, Panaji and the Metropolitan Tribunal of the Archdiocese of Bombay, Bandra (W) for redressing her grievance.**

- **Proceeding in the present appeal stands closed.**
- **Pronounced in the open Court.**
- **Notify the parties.**

**Sd/-**

**(ARAVIND KUMAR H. NAIR)  
State Chief Information Commissioner, GSIC**