# GOA STATE INFORMATION COMMISSION

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**Revision of RTI Order dated 08.09.2022**

**No. 01/2024/SCIC**

Shri Dinesh D'Souza,
H. No. 227, Borla,
Macasana, Salcete Goa
403709.

.... Appellant

V/S.

1.The Secretary/Public Information Officer,
Village Panchayat of Macasana,
Macasana, Salcete Goa 403709.

2.The Block Development Officer-II of Salcete,
First Appellate Authority,
Mathany Saldanha Administrative Complex,
Margao, Goa 403601.

..... Respondents

**Disposed : 08.11.2024**

SHRI ARAVINDKUMAR H. NAIR – STATE CHIEF INFORMATION COMMISSIONER

## FACTS IN BRIEF :

1) The Commission vide its order dated 08/09/2022 in Appeal No. 189/2020/SCIC observed that information with regards to point No. 1, 2 and 3 has been received by the appellant and information pertaining to point no. 4 was not received being not available. Based on this observation, the Commission ordered the Respondent No. 1, PIO/Secretary, Village Panchayat Macasana, Salcete Taluka Goa to arrange inspection of entire file pertains to RTI application of the appellant dated 20/04/2020 and provide information within a period of fifteen days from the date of receipt of the order.

2) Subsequently, the appellant approached the Hon'ble High Court of Bombay at Goa with Writ Petition No. 55/2023 dated 19/09/2024 with the prayers that -

   i. *Impugned Judgement and order dated 08/09/2022 passed by the Commission in Appeal No. 189/2020 be quashed and set aside;*

ii. *Direct Respondent No. 1, PIO to lodge complaint/FIR with the Police Station to initiate criminal action against the concerned panchayat employees, who are responsible for the missing panchayat records*

iii. *Direct the Respondent No. 3, GSIC to initiate suo motu inquiry against erring officer of the Village Panchayat of Macasana*

iv. *Direct respondent No. 3 to recommend strict disciplinary action Respondent No. 1 and concerned panchayat employees for not keeping panchayat records/documents in order*

v. *Direct respondent No. 3 to exercise powers provided under section 18(3)*

vi. *Respondent No. 1 to be dealt with u/s 20 of the Act*

vii. *Cost of the petition be awarded to the petitioner*

3) The Counsel for the petitioner (Appellant) sought this Hon'ble High Court to withdraw the Writ Petition with liberty to pursue the matter before the Commission seeking inter nalia for appropriate penalties to be imposed on the Respondent No. 1. Accordingly, the Hon'ble High Court on 11/04/2023 allowed the Petitioner to withdrawal his Writ Petition.

4) The appellant then approached the Commission with a Review Application 01/2024/SCIC dated 09/01/2024 seeking the Commission to revise its Order dated 08/09/2022 in Appeal No. 189/2020 and issue a fresh order granting the prayers sought by the Appellant in his second appeal bearing no. 189/2020.

5) The previous Commission accepted this appeal by the appellant filed by the appellant after withdrawing his Writ Petition in the Hon'ble High Court of Bombay at Goa, registered as 'Revision Application No. 01/2024/SCIC in Second Appeal No. 189/2020 and had a hearing on 14/02/2024 after issuing notice to the concerned parties.

6) Thereafter no effecting hearing held in the matter as the Commission remained vacant till September 2024 after demitting the office by the previous Commission on 01/03/2024.

7) During the hearing before the incumbent SCIC on 24/10/2024, Respondent PIO (Secretary, Macasana Village Panchayat) and Adv. P. Naik for the appellant were present. The Commission asked Adv. P. Naik why the Petitioner withdraw his Writ petition in the Hon'ble High Court and brought back to the Commission when there is no provision at all in the Development RTI Act for review of a decision or order of this Commission in a matter.

8) Hon'ble Delhi High Court in Delhi Development Authority v/s Central Information Commission and another W.P.C 1271 of 2009 has observed 'Neither the RTI Act nor the rules framed thereunder grant the power of review to the Central Information Commission or the Chief Information Commissioner. Once the statute does not provide for the power of review, the Chief Central Information Commissioner cannot, without any authority of law, assume the power of review or even of a special leave to appeal'.

9) Both the appellant and the Respondent present for the hearing today i.e. 08.11.2024, in which the Commission made the appellant understood that the Commission do not have power to Review its orders, as there is no such provision is provided by the Act.

**ORDER**

**Considering the above facts and the RTI Act, 2005 does not provide any provision or power to the Commission to review its orders, Revision application No. 01/2024/SCIC/276 in Second Appeal No. 189/2020 is dismissed today i.e. 08.11.2024.**

**However, in order to accord relief to the Appellant with regard to his request for information on point No. 4 in the original RTI application dated 20/04/2020, Commission gave direction to the current PIO (Respondent No. 1) to help the appellant by making a fresh attempt to trace the said record and furnish the information pertaining to point no. 4 to the appellant. Assuring the Commission all possible assistance to the appellant, current PIO asked the**

appellant to submit a fresh RTI application mentioning his request and the appellant agreed to do so.

Underlining the importance of proper management of records for effective implementation of the provisions of the Act, Commission reminded the Respondent PIO that Public Authorities are the repository of information which the citizens have a right to access under the RTI Act, 2005.

***At this stage, the Appellant submitted orally that he does not wish to proceed further with this matter.***

- ***Proceedings closed.***
- ***Pronounced in the open court.***
- ***Notify the parties.***

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

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Under Secretary cum Registrar
Goa State Information Commission
Panaji - Goa