

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 130/SCIC/2011

Mr. Suresh Babu R.

R/o. 'ADITH-AAGNA',

H. No.178/1(27),

Airway Housing Colony, Zuari Nagar,

Sancoale, Goa – 403 726

...Complainant

V/s

1) Public Information Officer(RTI),

Sessions Court,

Margao – Goa

... Opponent No. 1

2) Appellate Authority (RTI),

Sessions Court,

Margao – Goa

... Opponent No. 2.

Complainant in person.

Opponent no. 1 in person.

ORDER
(01.11.2011)

1. The Complainant, Shri Suresh Babu R, has filed the present Complaint praying that the Opponent No. 1 be directed to furnish the information as sought by him.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant, vide an application dated 24.08.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/Opponent No. 1. That the Opponent No. 1 did not furnish the information and hence he filed Appeal before First Appellate Authority. However, he did not receive any reply from the P.I.O. as well as the Appellate Authority. Being aggrieved by the non-action of the Opponents the Complainant has preferred the present Complaint. The facts of the case as well as larger public interest are set out fully in the Complaint.

3. In pursuance of the notice issued the Opponent remained present and he has filed the written statement which is on record. In short, it is the case of the Opponent No. 1 that Hon'ble High Court of Bombay in exercise of

powers conferred by Section 28 of the Right to Information Act, 2005, made certain rules called The Goa, Daman & Diu and Dadra and Nagar Haveli District Courts, Right to Information Rules, 2009 to enforce the provisions of RTI Act, 2005. That these Rules are published in government of Goa Official Gazette, Series-I, No. 25 dated 17.09.2009. That as per Rule 4 of Chapter 2 of the said Rules, a person who desires to obtain the information under RTI Act, 2005 shall make a requisition in a self signed application in Form-A appended to the Rules to the P.I.O., accompanied by a fee of Rs.10/-or by affixing court fee stamp of Rs.10/- and a self addressed envelope bearing postal stamp equivalent to the rate prescribed for registered post with acknowledgement due (R.P.A.D.) alongwith the application. That the Complainant has neither made an application dated 25.08.2010 in Form-A nor submitted self addressed envelope bearing postal stamp. That the application dated 25.08.2010 was rejected by the Opponent vide Order dated 31.08.2010 under the said Rules. That the Complainant made a letter dated 30.03.2011 to the Appellate Authority without payment of fee of Rs.20/-. However after hearing the P.I.O. the Appellate Authority was pleased to pass the Order thereby the application was filed. It is the case of the Opponent that Complainant never approached the Opponent to find out the outcome of his application dated 25.08.2010 addressed to the Opponent and application dated 30.03.2011 addressed to the Appellate Authority-Opponent No. 2. It is further the case of the Opponent that no information could be provided to the Complainant as same was pertaining to the judicial proceedings and as such did not fall within the purview of the Rules framed by the Hon'ble High Court. According to the Opponent Complaint is liable to be dismissed.

4. During the course of hearing the Complainant as well as Opponent No. 1 were present. The Complainant himself submitted that he did file a separate application seeking documents and that some documents have been granted and some have not been granted. Complainant also submitted that he does not wish to proceed with the present application. He prays that he may be permitted to withdraw the present application.

5. I have perused the records of the case. Since the Complainant wants to withdraw the Complaint his request is to be granted. However, the

Complainant to bear in mind about the rules framed by the Hon'ble High Court. Again, Complainant should take note of limitation. Under R.T.I. Act, Appeal before First Appellate Authority is to be preferred within 30 days and the Second Appeal is to be filed within 90 days.

6. In view of all the above, I pass the following Order:-

ORDER

No intervention of this Commission is required. The Complaint is disposed as withdrawn.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 1st day of November, 2011.

Sd/-
(M.S. Keny)
State Chief Information Commissioner

