

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Review Appl No.22/2011
In
Appeal No. 92/SCIC/2011

Shri Domnic C. Fernandes,
R/o.B.I.T. Block No.1/215, IInd Floor,
Love Lane, Mazagaon,
Mumbai – 400 010

... Appellant

V/s

1. The Public Information Officer,
Office of the Camara Municipal Council,
Town Hall, Bardez,
Mapusa - Goa
2. Shri Daulat Hawaldar,,
First Appellate Authority,
Director of Municipal Administration/
Urban Development,
Panaji - Goa

...Respondents

Appellant in person

Respondent absent. Shri Vinod Agarwadekar present.

Adv. Shri S. Sardessai for respondent No.1

ORDER
(23/11/2011)

1. The appellant Shri Domnic C. Fernandes has filed the present application for review of the order dated 12/9/2011.

2. It is the case of the appellant that he is deeply hurt and disturbed by the Judgement as the appeal is disposed as the documents are not traceable. That Commission has shielded Municipal Council by saying not available. All the grounds are set in the application which is on record.

3. The respondent No.1 has filed the reply which is on record. In short it is the case of the respondent No.1 that as per R.T.I. Act review of its own order is not permissible. That the remedy of the appellant is not by way of review before this

Commission but by way of a Writ Petition in the Hon'ble High Court. According to the respondent No.1 review is liable to be dismissed.

4. Heard both sides and perused the records.

There is no dispute that public authorities have to maintain the records properly. In fact they are the custodian of public documents. However, it is also a fact that R.T.I. Act is applicable only to such information as held by Public Authority. If no such information is available or held the same cannot be provided.

5. Now it is to be seen whether review is maintainable. The R.T.I. Act has not specifically conferred any power to the State Information Commission to review its own decision or order. It is well settled that the power to review is not an inherent power. It must be conferred by law either specifically or by necessary implication.

I have perused some of the rulings of the Central Information Commission on the point. It was held that power of reviewing its own decision does not lie with the Commission and, therefore, the Commission has neither exceeded nor failed to exercise jurisdiction lawfully vested in it while dismissing the instant application (CIC/AD/A/2009/000446 dated 25/5/2010)

In, Mani Ram Sharma V/s. Central Information Commission (Appeal No.CIC/WB/A/2009/00016 dated 4/2/2009 decided on 15/4/2009), it was held that under R.T.I. Act, the C.I.C. has no authority to review a decision of the Commission.

Again it was reiterated in a later decision that R.T.I. Act does not vest the power of review in the Commission.

6. In view of all the above, I am of the opinion that no review lies. Hence I pass the following order..

O R D E R

The review petition is not maintainable and as such disposed off.

The application is accordingly disposed off.

Pronounced in the Commission on this 23rd day of November, 2011.

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

