

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.202/SCIC/2011

Mr. John Baptist Sequeira,
R/o.H.No.1040
Escrivao Vaddo,
Candolim, Bardez-Goa

... Appellant.

V/s.

1. The Public Information Officer
Village Panchayat Secretary,
Village Panchayat Candolim
Bardez-Goa
2. The First Appellate Authority,
Block Development Officer-I,
Bardez, Mapusa, Goa

... Respondents

Appellant present. His Adv.Shri A. Mandrekar present.
Respondent absent. Adv. Shri A. F. D'Souza for respondent present.

J U D G M E N T
(30/03/2012)

1. The Appellant, Shri John Baptist Sequeira, has filed the present appeal praying that the information as requested by the appellant in his application dated 02/06/2011 be furnished to him correctly and fully without reserving any information to save any person; that action be taken on the Secretary/P.I.O. for not providing full information and inspection of records within stipulated time limit of 30 days; that penalty be imposed on the P.I.O., for not providing the information, as per Sec.20 of the R.T.I. Act; that compensation be granted and that no fees be charged as under Sec.7(6) of the R.T.I. Act.

2. The present appeal has been preferred for non-compliance of the order dated 4/8/2011 passed by the First Appellate Authority(F.A.A.)/respondent No.2 in appeal No.525/2011.

The brief facts leading to the present appeal are as under :-

That the appellant, vide application dated 2/6/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/Respondent No.1. That the appellant received an unsatisfactory reply dated 29/6/2011, Being not satisfied, the appellant preferred an Appeal before First Appellate Authority(F.A.A.)/respondent No.2. By order dated 4/8/2011 the F.A.A./respondent No.2 directed the respondent No.1 to furnish the information as per the application dated 2/6/2011. That the respondent No.1 has not complied with the orders of the F.A.A. to provide information within 7 days. Being aggrieved by the same, the appellant has preferred the present appeal on various grounds as set out in the Memo of Appeal.

3. In pursuance of the notice issued, Adv. A. F. D'Souza and Adv. M. D'Souza appeared. No reply was filed, however, Adv. for respondent No.1 advanced arguments.

4. Heard the arguments. The learned Adv. Shri A. Mandrekar argued on behalf of the appellant and the Ld. Adv. Shri A. F. D'Souza argued on behalf of the respondent No.1.

5. I have carefully gone through the records of the case. It is seen that this appeal arises out of order dated 4/8/2011 passed by F.A.A./respondent No.2 in Appeal No.525/2011. It is seen that the said order dated 4/8/2011 has been challenged by P.I.O./respondent No.1 in Appeal No.174/SCIC/2011. It is seen that the said order has been set aside by consent of parties and the matter is referred back to the F.A.A./respondent No.2 to hear

afresh after giving an opportunity to the parties. In view of this position the present appeal does not survive.

Needless to add that, in case the appellant is aggrieved by the order which would be passed by F.A.A. the appellant can very well prefer the appeal, if he desires.

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

ORDER

The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 30th day of March, 2012.

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