

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Review Application No.1/2012  
In  
Penalty No.22/2010  
In  
Appl No.60/SCIC/2010**

The Public Authority/  
Office of Superintending Engineer,  
Circle's, WRD,  
Panaji-Goa ... Appellant

V/s

1. Shri Yeshwant Tolyo Sawant  
R/o.Barazan, Post Bhironda,  
Sattari - Goa
2. The Public Information Officer  
Superintending Engineer,  
Circle I, WRD, Panaji-Goa
3. The Assistant Public Information Officer,  
Executive Engineer, Works Div.I,  
WRD, Panaji-Goa
4. The First Appellate Authority,  
Chief Engineer, Works Div. I,  
WRD, Panaji, Goa .... Respondents

Appellant present.

Respondent No.1 present.

Shri Abdul Wahab representative of F.A.A. present.

**ORDER**  
**(09/04/2012)**

1. The applicant (Public Authority) has filed the present review application praying that the order dated 23/12/2011 passed in the above penalty case may kindly be recalled and reviewed.

2. The brief facts as set out in the review application are as under :-

That by order dated 23/12/2011 this Commission has granted compensation of Rs.4000/- to the respondent No.1 and the applicant has been ordered to pay the said amount of compensation to the respondent No.1 That the applicant was not a party to the said proceedings nor has the applicant been issued show cause as to why the applicant is not liable to make the payment of the said amount of compensation to the respondent No.1 and the applicant herein has not been given an opportunity of being heard in the matter before passing the said order. The applicant refers to the application filed by the original appellant etc. in detail in para 4, 5, 6 and 7 of the application. That there was no delay in furnishing information. According to the applicant there is an error apparent on the face of record and the order dated 23/12/2011 is required to be reviewed. The grounds on which the review is sought are fully set out in the review application

3. In pursuance of notice issued the respondent No.1 along with his Adv. Shri A. Mandrekar appeared. The respondent No.1 did not file any reply as such, however, Adv. for the respondent No.1 advanced the arguments.

4. Heard the learned Adv. K. L. Bhagat for applicant and the Learned Adv. A. Mandrekar for respondent No.1 Both sides advanced elaborate arguments.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the Learned Advocates of the parties. The short point that falls for my consideration is whether the review is permissible under the R.T.I. Act.

This Commission has held in some cases that the Commission has no power to review its own decisions. Central Information Commission also has held so. 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 is observed as under:-

“ Any decision of this Commission is expected to be a speaking order. Although there cannot be an appeal against the order of the Commission, whose orders in appeal “shall be binding” U/s.19 Sub-Sec(7). It is open to appellant to move a Writ Petition challenging an order of a Commissioner should he find the order defective in law. C.P.I.O., C.I.C. has provided the information held by the Commission. But what **appellant Shri Sharma is seeking a review of the orders of the Commission. The Right to Information Act cannot be sought to be used to circumvent the procedure of the law. Moreover under Right to Information Act, the Chief Information Commissioner has no authority to review a decision of the Commission.....”**

6. In Delhi Development Authority V/s. Central Information Commission & another 2010(2)I.D.383 (Delhi High Court (D.B.) it is observed as under :-

“35 .....

Neither the R.T.I. Act nor the rules framed there under grant the power of review to the Central Information Commission or the Chief Information Commissioner. Once the statute does not provide for power of review, the Chief Information Commissioner cannot without any authority of law, assume the power of review or even of a special leave to appeal .....

7. In view of the above the request of the applicant cannot be granted.

8. However there is a mistake in the nomenclature of Public Authority. **It should have been Public Authority/Office of Chief Engineer, Water Resource Department, Junta House, 2<sup>nd</sup> Floor, Panaji.** The necessary correction be carried out in the order by deleting Office of Superintending Engineer Circle’s, W.R.D.

9. In view of all the above, I pass the following order.

**ORDER**

Except for the correction as mentioned in para 8 above, the review application is dismissed.

Pronounced in the Commission on this 9<sup>th</sup> day of April, 2012.

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