GOA STATE INFORMATION COMMISISON

Ground Floor, Shrama Shakti Bhavan, Patto Plaza,

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No. 185/SCIC/2011

Decided on 12/05/2014

Nishant G. Sawant,
H.No.1188,
Mahalaxmi Bandora,
Ponda-Goa.
V/s

1. The Public Information Officer,
   Executive Engineer,
   W.D.XVIII (R) ,PWD,
   Ponda-Goa. …….Respondent no.1
2. The First Appellate Authority
   S.S.W., P.W.D. Altihno,
   Panaji-Goa. …..Respondent no.2

ORDER

This second Appeal is filed on 25/08/2011. It arises from the original RTI Application dated 30/12/2009 made to the then PIO, Ex. Engineer, W.D. XVIII (R), and Ponda in respect of Tender Notice No. P.W.D./Div XVIII (R)/TECH-2009/F.5/73/08-09 dated 16-02-2009.

The Appellant has submitted exhibit E dated 6/05/2011 & exhibit F dated 25/05/2011 claiming them to be the replies of the PIO to his above said RTI application. However, the PIO claims that exhibit E, F, or G pertain to their replies in some other 17 matters and not to the present case.

Exhibit E dated 6/05/2011 reads as below:-

"With reference to your 17 Nos. of applications, as on today, the relevant files are being traced. Since, the information you have sought under RTI Act, 2005 is voluminous, it will take some time, preferably, about more than one month to trace these files."

Exhibit F dated 25/05/2011 contains statement in the form of Para: 1 to 30 and further mentions as below:-

"You are requested to inspect these files during the office working hours and point out the documents sought by you as per RTI Act (2005) in your letter, so as to allow us to xerox these copies after necessary payment."

--2/-

Appellant has also filed Exhibit G from which it appears that he attended the office of PIO on 30/05/2011 and asked for "ALL" information without any specification. Thus, it may be stated that he had not shown any clarity in asking for specific information.

Appellant has filed exhibit B which is his first appeal memo to the FAA, filed on 17/06/2011, which is nearly one & half year after his RTI application to PIO dated 30/12/2009. In this Appeal memo, he has not made any reference to exhibit E, F, or G but has simply claimed that he did not receive any information from PIO within stipulated time. The Appeal was rejected by FAA in his Order No. 235 / 2011 dated 13/07/2011 on the ground of delay of nearly 1&1/2 years for which appellant did not give any justification nor any application for condonation of delay.

Thereafter Respondent has filed second Appeal by simply mentioning that he did not receive a reply to his RTI application dated 30/12/2009 and further that the Appeal filed before FAA on 17/06/2011 has been dismissed. He has not given argument as to why the Order of FAA is wrong or unjustified. Although this second appeal memo mentions that he is attaching annexure E, F & G, nothing has been stated by him about their relevance in the present case. In the prayer clause at para B of his second appeal he has asked for some additional information which pertains to the organization of PWD and these questions ore not a part and parcel of his original RTI application. Thus they are beyond the scope of this second appeal.

The PIO has filed his reply on 1/11/2011 to the second Appeal. In the roznama dated 01/11/2011 recorded by the then SCIC himself, it is mentioned that copy of reply of the PIO has been received by the Appellant. In this reply the PIO has pointed out at para 6 that the exhibit submitted at annexure E, F & G pertain to some different questions and have no relevance to present case. He has also mentioned that the appellant who is a contractor was a regular visitor to their office and had verbally informed that he does not require information. PIO has also taken the ground of delay for which reason the First Appeal was dismissed and requested for the dismissal of second appeal too. The Appellant has not filed any rejoinder to this reply.

Considering all this I agree with the PIO that the Appellant has not given satisfactory reasons for delay and that the exhibits E, F & G which have no relevance to his original RTI, have been included in Second Appeal. This appears to have been done in order to circumvent the necessity of explaining delay. In view of this I find that the Appeal deserves no merit.

Second Appeal is therefore dismissed. Order declared in Open Court. Inform the parties.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner,
Panaji-Goa