

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 128/2008

Shri. Ranjit Satardekar,
Flat D1/2, 1st Floor, Cedmar Apartments,
Next to Fidalgo Hotel, M. G. Road,
Panaji - Goa.

..... Appellant.

V/s.

1. The Law Secretary,
Government of Goa,
Secretariat, Porvorim,
Bardez – Goa.
2. The Director of Prosecution,
Government of Goa,
Shrama Shakti Bhavan,
7th Floor, Patto, Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 24/10/2008.

Appellant in person.

Adv. Shri. K. L. Bhagat for both the Respondents.

ORDER

Heard the Appellant and the learned Government Counsel Shri. K. L. Bhagat. The Appellant submitted that the First Appellate Authority has erred in rejecting his first appeal on the ground that it is barred by law of limitation. He contented that there has been a delay of only 2 days and the said delay was occurred due to miscalculation. He submitted that a separate application was also moved before the First Appellate Authority praying for condonation of these 2 days delay by showing sufficient cause. However, the First Appellate Authority rejected his prayer and also the appeal. He, further, contended that the law of rejudicata does not apply to the cases under the Right to Information Act, 2005 (for short the Act) because the Appellant is not prevented from making a fresh application seeking the same information or Appellant can also seek the same

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information through some other person under section 6 of the Act. Therefore, he urged that the First Appellate Authority ought to have condoned the delay and decided the appeal on merits in order to avoid the multiplicity of the applications.

2. Shri. K. L. Bhagat, the learned Government Counsel submitted that the Appellant is an Advocate and should have been careful in calculating the limitation period and filed the appeal in time. We have considered the arguments of the Appellant as well as the learned Government Counsel and also peruse the records. We agree with the Appellant that the Appellant himself or through some other person can seek the same information from the Public Information Officer under section 6 of the Act. Therefore, it will be appropriate for the First Appellate Authority to decide the appeal of the Appellant on merits. We also noticed that the delay is only 2 days and that the First Appellate Authority should have exercised his discretion judicially. Hence, we hereby quash and set aside the order dated 5th June, 2008 passed by the First Appellate Authority in Information Appeal No. 6/2008 and direct the First Appellate Authority, Respondent No. 1 herein to decide the appeal on merits.

Pronounced in the open court on this 24th day of October, 2008.

Sd/-
(G. G. Kambli)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

