

GOA INFORMATION COMMISSION

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

Appeal No. 199/SCIC/2008

Mr. Ubaldo D'Costa,
H. No. 54/B, Tomaddem,
Assolna, Salcete – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Cuncolim Municipal Council,
Cuncolim – Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 30/12/2008.

Appellant in person.

Both the Respondents are absent.

ORDER

This disposes off the second appeal filed by the Appellant on 1st November, 2008 against the order dated 24/10/2008 of the First Appellate Authority, Respondent No. 2 herein, under section 19(1) of the Right to Information Act, 2005 (RTI Act for short), hereinafter referred to as the impugned order dismissing the first appeal filed before him.

2. Notices were issued to the Respondents and the reply was filed by the Respondent No. 1 stating that the information was already furnished to the Appellant on 14/10/08 and hence, the appeal may be dismissed. The First Appellate Authority did not participate in the proceedings. However, the impugned order is on record wherein the reasons for dismissal of the first appeal is given that the reply of the RTI request was already furnished by the Respondent No. 1 on 14/10/2008. The Appellant contends now in the second appeal that the reply dated 14/10/2008 of the Public Information Officer is for the

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another request dated 24/09/2008 and is not for the present request dated 11/08/2008 which is the subject matter of both the appeals. The application dated 11/08/2008, a copy of which is filed by the Appellant himself contains 4 points on which the information is sought. On the other hand, the reply dated 14/10/2008 of the Public Information Officer is not on record. It is neither produced by the Appellant nor the Respondent No. 1. The Appellant has filed an affidavit showing that the reply furnished on 14/10/2008 pertains to his request dated 24/09/2008 and not to the request dated 11/08/2008. This is not been rebutted by the Respondent No. 1. It is, therefore, clear that there is a confusion in the minds of both the Respondents. Specific reply, therefore, should be given to the request of the Appellant dated 11/08/2008 by the Public Information Officer in the next 10 days after date of this order. Separately compliance report also should be filed before this Commission alongwith the reasons for the delay in furnishing this reply.

3. The appeal, therefore, succeeds. The impugned order is set aside.

Pronounced in the open court on this 30th day of December, 2008.

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

