

## **GOA INFORMATION COMMISSION**

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

Appeal No. 221/SCIC/2008

Shri. Surendra Furtado,  
H. No. 377, Pearly Shell Housing Society,  
Miramar, Panaji - Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,  
Corporation of City of Panaji,  
Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Municipal Administration,  
Panaji - Goa.

..... Respondents/Opponents.

Appeal No. 222/SCIC/2008

Shri. Surendra Furtado,  
H. No. 377, Pearly Shell Housing Society,  
Miramar, Panaji - Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,  
Corporation of City of Panaji,  
Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Municipal Administration,  
Panaji - Goa.

..... Respondents/Opponents.

Appeal No. 223/SCIC/2008

Shri. Surendra Furtado,  
H. No. 377, Pearly Shell Housing Society,  
Miramar, Panaji - Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,  
Corporation of City of Panaji,  
Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Municipal Administration,  
Panaji - Goa.

..... Respondents/Opponents.

Appeal No. 224/SCIC/2008

Shri. Surendra Furtado,  
H. No. 377, Pearly Shell Housing Society,  
Miramar, Panaji - Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,  
Corporation of City of Panaji,  
Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Municipal Administration,  
Panaji - Goa.

..... Respondents/Opponents.

**CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 13/02/2009.

Appellant/Complainant in person.  
Respondent/Opponent No. 1 absent.  
Respondent/Opponent No. 2 is also absent.

**ORDER**

This common order disposes off above 4 second appeals filed under the Right to Information Act, 2005 (for short the RTI Act) for non-implementing the order of the First Appellate Authority dated 4<sup>th</sup> November, 2008. The First Appellate Authority has ordered the Public Information Officer to give the information requested by the Appellant/Complainant within 15 days from 4/11/2008. According to the Appellant/Complainant, the information is not furnished to him till date. As there is no grievance by the Complainant with the order of the First Appellate Authority, I convert the above 4 second appeals as complaints and I will hereafter refer the Appellant as Complainant and Respondents as Opponents. The Opponent No. 1 is the Public Information Officer and Commissioner of Corporation of City of Panaji and Opponent No. 2 is the Director of Municipal Administration and First Appellate Authority under the RTI Act.

2. Notices were issued to both the Opponents for personal hearing. The Opponent No. 1 was directed to remain present in person and not depart without the leave of the Commission. He was also directed to show

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cause why the prayer of the Complainant to impose penalty under section 20 should not be allowed. The Opponent No. 2, on the other hand, was requested to remain present in person or duly authorized agent. Neither the Opponent No. 2 nor his authorized agent was present for the hearing on 2/01/2009. The Opponent No. 1 was also not present for hearing inspite of being directed to do so. However, he has deputed one Shri. Dinesh Maralkar, LDC, (Legal Cell) "to appear and avail a short date before Goa State Information Commission, Panaji Goa" in all the above cases. The authorization is purported to have been made under Corporation of City of Panaji Act. Apart from the fact that he was not allowed to send an authorized representative, the Public Information Officer did not authorize the LDC for the entire hearing of the cases. Hence, the case proceeded ex-parte.

3. On the date fixed for filing of reply and hearing on 2/01/2009, the matter came to be adjourned at the request of the authorized representative of the Opponent No. 1. The case was further adjourned to 02/01/2009 by the Commission itself and posted for further hearing on 02/02/2009. On that day, only the Complainant was present in person and neither of the Opponents were present.

4. The inability of the Public Information Officer to furnish the information even after a direction of the First Appellate Authority is not known to the Commission in the absence of any reply by the Public Information Officer. He is, therefore, directed to give the information in respect of all the four cases to the Complainant within another 10 days from today. Shri. Melvyn Vaz, Commissioner should show cause why the penalty proceedings should not be started against him for not replying to these requests in time and also not remaining present before this Commission even after being directed by this Commission.

5. All appeals/complaints are allowed and the information should be given to the Complainant within 10 days. All the cases have to be come for reporting compliance and for further hearing on the show cause notice for penalty on 16/03/2009 at 11.00 a.m.

Pronounced in the open court on this 13<sup>th</sup> day of February, 2009.

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



