

GOA INFORMATION COMMISSION

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

Complaint / 28 / SIC / 2008 /

Mr. Oldrin Pereira,
Hno. 629, Santarxette,
Aldona, Bardez - Goa.

..... Complainant

V/s

1. The Public Information Officer,
The Village Panchayat Secretary,
Village Panchayat of Aldona,
Aldona, Bardez - Goa.

..... Opponent No.1...

2. The First Appellate Authority,
The Block Development Officer,
Bardez, Mapusa - Goa.

..... Opponent No.2...

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 26/09/2008.

Complainant present in person.

ORDER

The present complaint is purported to have been filed under section 18 of the Right to Information Act 2005 (for short the Act) against the Respondents. The Complainant approached the Respondent No. 2 with his request dated 01/05/2008 seeking copy of the Inspection report of the inspection conducted on 30/04/2008 in respect of the construction of building at Santarxette, Aldona. The Respondent No. 2 vide his reply dated 12/08/2008 forwarded a Xerox copy of the inspection report conducted on 30/04/2008. In the mean time, the Complainant filed the first Appeal before the Respondent No. 1. As the Respondent No. 1 had not furnished any reply within the time limit specified in section 7 of the Act. The Respondent No. 1 drop the Appeal proceeding stating that the information sought by the Complainant has already been furnished by the Respondent No. 2.

...2/-

2. The provisions of section 18 of the Act are subject to the other provisions of the Act. In other words the provision of section 18 are subject to the provisions of sub-section (3) of section 19 of the Act which contemplate that the Appeal lies to the Commission against the decision of the First Appellate Authority. In the present case, the First Appellate Authority has already decided the matter and therefore the Complainant could have approached this Commission by way of 2nd Appeal under section 19 (3) of the Act.

3. The present Complaint is not maintainable since the complainant has not exhausted the remedy of 2nd Appeal under sub-section (3) of section 19 of the Act. Hence, the present complaint is not maintainable, and accordingly, the same is rejected.

Pronounced in the open court on this 26th day of September, 2008.

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

No.GIC/ Complaint / 28 / SIC / 2008 /780
Goa Information Commission,
Shrama Shakti Bhavan,
Patto, Panaji Goa.

Dated: 25/09/2008.

To,

1. Mr. Oldrin Pereira,
Hno. 629, Santarxette,
Aldona, Bardez - Goa.
2. The Public Information Officer,
The Village Panchayat Secretary,
Village Panchayat of Aldona,
Aldona, Bardez - Goa.
3. The First Appellate Authority,
The Block Development Officer,
Bardez, Mapusa - Goa.

Sub: GIC/ Complaint / 28 / SIC / 2008

Sir,

I am directed to forward herewith the copy of the Order dated 26/09/2008 passed by the Commission on the above Complaint for information and necessary action.

Yours faithfully,

(Pratap Singh Meena)
Secretary

Eccl: Copy of Order in 2 pages.