

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 277/2008

Mr. V. A. Kamat
G-1, Ravindra-A, Next to Hotel Ameya,
Opp. St. Inez Church,
St. Inez, Panaji – Goa

...**Appellant.**

V/s.

1) The Public Information Officer
Goa Coastal Zone Management Authority
C/o. Dept. of Science, Technology & Environment
Opp. Saligao Seminary, Saligao
Barzez – Goa – 403 511

...**Respondent No. 1**

2) The First Appellate Authority
Member Secretary
Goa Coastal Zone Management Authority
C/o. Dept. of Science, Technology & Environment
Opp. Saligao Seminary, Saligao
Barzez – Goa – 403 511

...**Respondent No. 2**

16.07.2009

ORDER

(Per Afonso Araujo)

The Appellant on 21.10.2008 sought from the Public Information Officer – Goa Coastal Zone Management Authority (for short GCZMA) -Respondent No. 1, information under RTI Act mentioned at item No. 1 and 2 in the said letter which pertains to licences/NOCs issued for construction of hotels, resorts, bungalows within 500mts from the high tide line (HTL) alongwith the coast of Goa.

2. As the information was not provided within the period of 30 days, the Appellant preferred the First Appeal on 10.12.2008 with the First Appellate Authority – Respondent No. 2 on the strength that it amounted to deemed refusal of the request sought. The First Appellate Authority did not pass any orders as envisaged under the provisions of section 19(6) of the RTI Act which casts duty on the First Appellate Authority to dispose the appeal within a period of 30 days and which period can be extended to total period of 45

...2/-

days for the reasons to be recorded in writing. The Appellant preferred the Second Appeal on 28.01.2009 and in the reply filed on 16.06.2009 by the Respondent No. 2 a copy of letter dated 06.05.2009 addressed to the Appellant was produced wherein all information required by the Appellant in his letter dated 21.10.2008, was provided. Though the Appellant is satisfied with the information provided in the letter dated 06.05.2009, still the question of deemed refusal and the First Appellate Authority not deciding the appeal within the prescribed period of limitation is required to be dealt with.

3. On perusing the reply dated 06.05.2009 the same was furnished by Respondent No. 2. It appears that two Public Information Officers of GCZMA one after another have resigned and no one has been appointed as Public Information Officer by the GCZMA. It is not proper for the First Appellate Authority – Respondent No. 2 to perform the duties of Public Information Officer and provide the information sought. By doing so, any person is deprived of his right to prefer the First Appeal under the RTI Act. The GCZMA is directed to appoint a Public Information Officer so as to deal with the matters pertaining to RTI Act and provide information to the citizens. The First Appellate Authority, once the First Appeal is entertained, has to dispose this appeal within the period of 30 days from the receipt of the appeal or within such extended period not exceeding total of 45 days from the date of filing as the case may be for the reasons to be recorded in writing. The First Appellate Authority has to keep in mind the provisions of section 19(6) of the RTI Act and within the period of limitation prescribed decide the appeal.

With these observations, the appeal is disposed off.

Sd/-
(Afonso Araujo)
State Information Commissioner