

GOA STATE INFORMATION COMMISSION

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

Appeal No. 8/2006/POLICE

Anumawa Natekar
C/o Joao C. Pereira
H. No. 40, Acsona, Utorda,
Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Police Department,
South Goa, Margao.
2. First Appellate Authority
Deputy Inspector General of Police,
HQ, Panaji.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated : 11/10/2006.

ORDER

This will dispose off the above appeal filed by the Appellant against the Respondents under Section 19(3) of the Right to Information Act, 2005 (for short the Act). The facts in brief are that the Appellant vide application dated 15/11/2005 requested the Respondent No. 1 to issue certified Xerox copy of the Appellant statement taken on record on a complaint dated 22/3/2005 of Natividade Fernandes and others by Inquiry Officer Dy. S. P. S. R. Goltekar.

2. As the Appellant did not receive any reply within the statutory period of 30 days from the Respondent No. 1, the Appellant presumed that the request deemed to have been rejected in terms of the provisions of Section 7 (2) of the Act and therefore, file the present appeal. The notices were issued to the Respondents. The Respondents filed their reply. In their reply, the Respondents have taken the preliminary objection stating that the Appellant has not preferred the first appeal before the first Appellate Authority as required by sub-section (1)

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of Section 19 of the Act and therefore, the present appeal is not maintainable. The Respondents also submitted that the present appeal is barred by law of limitation and the explanation given by the Appellant is not sufficient to condone the delay.

3. As regards the merits, the Respondents stated that the information sought by the Appellant was neither denied nor delayed. The Respondents states that the Appellant did not pay the application fees and therefore, Respondents addressed the letter dated 16/2/2006 to the Appellant to make the payment of fees and collect the statement. However, the said letter could not be delivered as the Appellant was not found at the given address and therefore, by a subsequent letter dated 12/4/2006 and 13/4/2006 power of attorney holder of the Appellant Shri Joao C. Pereira was informed to collect the statement. The Respondents has further stated that the Appellant has paid the fees on 2/6/2006 and the information was also supplied to the Appellant on 2/6/2006.

4. As regards the preliminary objection raised by the Respondents that the present appeal is barred by law of limitation, the Commission has already condoned the delay vide order dated 31/7/2006. The Respondents also submitted that the present appeal is not maintainable as the Appellant has not filed the first appeal under sub-section (1) of Section 19 of the Act. There is nothing on record to show that the Appellant has filed the first appeal before the first Appellate Authority. However, there is a letter dated 10/01/2006 from the officer of the DIG of Police - II, Panaji informing the Appellant that the Government has notified the various authorities under the Act. So far as the payment of application fee is concerned, it is to be noted that the application was made on 15/11/2005 and the Government has made the Rules prescribing application fee in February, 2006 and therefore the Appellant rightly did not pay any application fee at the time of submitting the application. However, the Appellant has subsequently paid the fees and also collected the information sought by the Appellant and therefore, nothing survives in the present appeal. Being so, the appeal is dismissed.

Pronounced in the open Court, on 11-10-2006.

(G.G. Kambli)
State Information Commissioner, GOA.

(A.Venkataratnam)
State Chief Information Commissioner, GOA.