

GOA STATE INFORMATION COMMISSION

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

Appeal No. 33/2006/MAM

Shri Amar B. Naik
H. No. 128, Costi Kalay,
Sanguem - Goa.

..... Appellant.

V/s.

1. The Dy. Collector &
First Appellate Authority,
Quepem - Goa.
2. The Public Information Officer,
Mamlatdar of Sanguem,
Sanguem - Goa.

..... 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: 23/11/2006.

ORDER

The Appellant challenges the judgment and order dated 12/5/2006 of the First Appellate Authority passed in appeal No.DYC/QPM/RTI/ACT/1/2006. The First Appellate Authority dismissed the appeal of the Appellant on the ground that the Appellant did not make proper application, not followed the proper procedure, not paid the fees and the appeal was also barred by law of limitation. However, in the operative part, the First Appellate Authority directed the Respondent No. 2 to provide the information to the Appellant on payment of the fees for information.

2. The Appellant has filed the second appeal before us on 25/9/2006 whereas the judgment and order of the First Appellate Authority is dated 12/5/2006. The Appellant has also moved an application for condonation of delay. In the said application for delay, the Appellant has stated that the second appeal has been filed after the delay of 19 days. The reasons for the delay as stated by the Appellant are that the Appellant is a student of law and coming

...2/-

from agricultural family with no source of income and therefore he could not file the appeal within the limitation period. On perusal of the application for condonation of delay, the Appellant has not shown sufficient cause for the delay. We are not satisfied with the reasons given by the Appellant. It is also pertinent to note that though the first appeal filed before the First Appellate Authority was dismissed, the Respondent No. 2 has been directed to provide the information to the Appellant on payment of fees.

3. During the course of hearing, the Appellant also could not satisfy us on the delay. As regards the payment of fees are concerned, the Appellant stated that he was not required to pay any fees as the Appellant made an application prior to the coming into force of Goa Right to Information (Regulation of fee and cost) Rules, 2006. In this context, it is to be noted that though new rules were not framed under the Right to Information Act, 2005, the rules framed under the Goa Right to Information Act, 1997 were in force as the said Act has not been repealed. This Commission has already held the view that prior to the coming into force of the Goa Right to Information (Regulation of fee and cost) Rules, 2006, rules made under the Goa Right to Information Act, 1997 were applicable. Therefore, the Appellant was required to pay the fees for the application as well as for the information. In the result, we dismiss the appeal filed by the Appellant as the same is barred by law of limitation, which is admittedly filed beyond the limitation period of 90 days.

Pronounced in the open Court on 23rd November, 2006.

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

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