

## **GOA INFORMATION COMMISSION**

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

Appeal No. 10/2007-08/ADT

Smt. Jayanti G. Naik  
H. No. 456, Mandur,  
Dhaktebhat, Ilhas - Goa.

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Appellant.

V/s.

1. Public Information Officer  
Asstt. Director of Transport,  
Enforcement North &  
Member Secretary, RTA,  
Panaji - Goa.
2. First Appellate Authority  
The Director,  
Directorate of Transport,  
Panaji - Goa.

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Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

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

Dated: 04/07/2007.

Adv. Aditi Bhobe for the Appellant.

Adv. K. L. Bhagat for both the Respondents.

### **ORDER**

The Appellant has approached the Respondent No. 2 on 6/3/2006 for obtaining some information under the Right to Information Act, 2005 (for short the RTI Act). Though it is not addressed to the Public Information Officer, a mention has been made in the application that it was made under the RTI Act. The application has been sent to the Respondent No. 1 and according to the Respondent No. 1, it was received by him on 14/3/2007. However, the application fee of Rs.10/- appears not to have been paid by the Appellant alongwith the application as required under Section 6(1) of the RTI Act. After the application fee and the additional fees for the documents amounting to

...2/-

Rs.20/- was paid on 19/5/2006 and the information was supplied on 18/06/2006. Not satisfied with the reply and aggrieved by delay to supply information by the Public Information Officer, the Appellant appealed to the Director of Transport i.e. Respondent No. 2 herein on 1/12/2006. The Respondent No. 2 fixed hearing before him on 11/1/2007. However, as the Appellant did not remain present an ex-parte order was passed by him on 18/01/2007 which was received by the Appellant on 6/2/2007. The first Appellate Authority directed the Public Information Officer to furnish the information on the guidelines for issuing the permits and the break up of the amount received by him. A reply was sent to the Appellant on 12/1/2007 signed by the Public Information Officer taking reference to the appeal memo, and confirmed the same information supplied earlier.

2. The present second appeal was filed, thereafter, on 2/5/2007 by the Appellant seeking the following five prayers i) records of the Public Information Officer and the first Appellate Authority be called; ii) appeal be allowed; iii) penalty be imposed on Respondent No. 1; iv) compensation be awarded to him and v) to award cost of the proceedings. In addition, the appeal consists of various grievances regarding allowing the KTC bus to ply on his route which has caused "losses" to her.

3. Both the Respondents have given their written replies wherein they have confirmed the factual position that the information is already given. As to the delay, the Respondent No. 1 explained that though the application fee was not paid initially he took prompt action in photocopying "two documents" namely permit issued to the KTC as well as time table schedule. After the fee was paid (19/5/2006) the documents were issued on 18/10/2006. He explained the delay as the Appellant did not come personally to collect the information and her husband did not get the authority letter.

4. The Respondent No. 2 while explaining his case maintained that he is not a necessary party even though his order could be quashed or set aside. We have gone into this argument in many cases of Town and Country Planning Department wherein we have mentioned that i) the first Appellate Authority is a necessary party before us as its order is challenged; ii) the case is between a citizen and the public authority; iii) that unlike in civil cases, the cases before the

Information Commission are not about adjudicating disputes between two parties. The cases are between a citizen on the one side and the public authority on the other and are about the facilitation of furnishing the information to the citizens. Therefore, we are of the view that the Public Information Officer as well as first Appellate Authority are necessary parties before the Information Commission.

5. There is a delay in supplying the information by the Respondent No. 1 from 19/6/2006 to 18/10/2006. Non-collection of information by the Appellant personally is not an excuse. He could have sent the information under certificate of posting which he did not do. We, therefore, warn him to be more careful in future. Under the circumstances, we are not inclined to initiate penalty proceedings in this case.

6. The grievances of the Appellant regarding the grant or otherwise permit to the KTC are beyond the scope of the RTI Act. We are not, therefore, inclined to grant any of the prayers of the Appellant in the appeal. If the Appellant is aggrieved about the loss being caused to him, it is for him to approach appropriate authority and not this Commission. With these observations, the appeal is dismissed as not maintainable.

Parties may be informed.

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

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