

## **GOA INFORMATION COMMISSION**

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

Appeal No. 146/2007/GSAMB

Shri. Kashinath Shetye,  
Bambino Building,  
Alto Fondvem, Ribandar,  
Tiswadi – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Secretary,  
Goa State Agricultural Marketing Board,  
Arlem, Raia, Margao – Goa.
2. First Appellate Authority,  
The Chairman,  
Goa State Agricultural Marketing Board,  
Arlem, Raia, Margao – Goa.

..... Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 05/06/2008.

Appellant present in person.

Adv. Pangam for both the Respondents.

### **ORDER**

This disposes off second appeal filed by the Appellant against the Respondents for not furnishing him any reply to his request for information on 18/12/2007 under the Right to Information Act, 2005 (for short the RTI Act). Notices were given and an affidavit cum reply was filed by the Respondent No. 1. Both the Respondents were represented by Adv. Pangam. The matter was argued also.

2. The brief point for disposal is whether any reply has been given by the Respondent No. 1. According to the Public Information Officer, Respondent No. 1, a letter was sent to the Appellant on 17/01/2008, on the 30<sup>th</sup> day after filling the request for information, asking the Appellant to deposit an amount of Rs.90/- for giving photocopies of 45 pages and the postage charges. For one of the points, as the information requested is huge he was asked to deposit an amount of Rs.2000/- and Rs.400/- for postage. Otherwise, the Appellant can go to the office of the Respondent No. 1, inspect the records and ask for only relevant information. We do not find anything wrong with this reply except that it should have been sent to the Appellant in a

...2/-

few days' time. The Appellant, on the other hand, contends that he did not receive this letter and approached the first Appellate Authority for "deemed refusal" of the information. The appellate authority passed an order allowing the appeal and offering to give the information on depositing Rs.2090/- and postal charges of Rs.500/-. This time the basis of calculation of this amount is also informed as Rs.2090/- for 1045 pages photocopy charges @ Rs.2/- per page. As to the non-receipt of intimation of the Public Information Officer by the Appellant, the first Appellate Authority, Respondent No. 2 herein, has accepted the contention of the Public Information Officer that the letter was sent to the Appellant based on the proof of certificate of posting before him and which was also submitted before us.

3. The grievance of the Appellant is that he was not given any opportunity before disposing off of the first appeal. While we agree with the Appellant that a hearing invariably is required to be given by the first Appellate Authority, in this case, as the appeal is allowed, we do not hold against the Respondent No. 2. But we hope that the first Appellate Authority will follow proper procedure in future. Even now, the Appellant is aware of the amount to be deposited after the order of the first Appellate Authority and the reply given to him in response to the second appeal filed before us.

4. It is for the Appellant to collect the information on payment of necessary charges if so desire. We do not find any merits in the present appeal and hence, the same is hereby dismissed.

Announced in the open court on this 5<sup>th</sup> day of June, 2008.

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

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