

**GOA INFORMATION COMMISSION**

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

**2<sup>nd</sup> Appeal No: 22 / 2008 /**

Mr. Rony Dias,  
Hno: 02, Murida, Cuncolim,  
Salcete - Goa.

..... Appellant

V/s

1. The First Appellate Authority,  
The Chief Inspector,  
Inspectorate of Factories & Boilers,  
Institute of Safety, Occupational, Health & Environment,  
Altinho, Panaji - Goa. .... Respondent No.1..
2. The Public Information Officer,  
Inspectorate of Factories & Boilers,  
Institute of Safety, Occupational, Health & Environment,  
Altinho, Panaji - Goa. .... Respondent No.2..

**CORAM:**

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

(Per G. G. Kampli)

Dated: 30/07/2008.

Both the parties absent at the time of hearing.

**O R D E R**

The present 2<sup>nd</sup> Appeal is purported to have been filed under section 19 (3) of the Right to Information Act 2005 (for short the Act).

2. The case of the Appellant is that the Appellant vide his application dated 2/11/2007 sought information from the Respondent No. 2 on 16 points. In the said Appeal the Appellant also requested the Respondent No. 2 to retype his questions followed by the answer for each question. The Appellant also requested to provide the information to him within 48 hours

...2/-

under Article 21 of the Indian Constitution. The Respondent No. 2 vide his letter dated 5/11/2007 informed the Appellant that the Information sought by him was voluminous in nature and the same cannot be furnished within 48 hrs. Subsequently, by another letter dated 30/11/2007 the Respondent No.2 informed the Appellant that he did not receive the information from the concerned official and therefore he express inability to furnish the information.

3. Aggrieved by these letters of the Respondent No. 2, the Appellant preferred an Appeal before the Respondent No. 1. The Respondent No. 1 by his order (undated) passed in Appeal No. 11/2007 directed the Respondent No. 2 to provide the information to the Appellant on the points at serial No. 5,6,8,9,11,12,13,14, 15 and 16 in respect of M/s. Sunrise Zinc Ltd., Cuncolim Industrial Estate and on points No. 4,5,6,8, 9, 11, 12,13,14, 15 and 16 in respect of M/s Nicoment Industries ltd., Cuncolim Industrial Estate within a period of 8 days. Thus, the Respondent No. 1 who is the First Appellate Authority has decided the Appeal in favour of the Appellant. Further as can be see from the letter dated 31/03/2008 from the Inspector of Factories, the information on the points was furnished to the Appellant as per the direction of the Appellate Authority i.e. the Respondent No. 1.

4. In the present case, the Appellant states that the Appellant has been provided incomplete information by the Respondent No. 2. The matter was fixed for hearing on 17/06/2008 and on the said date the Appellant was directed to file the tabular statement indicating therein, the information sought, information furnished and information which is not yet provided, on the next date of hearing which was fixed on 25/06/2008. On 25/06/2008 the Appellant appeared but did not file any statement as directed by the Commission. The Respondents were absent on the said date of the hearing. And the Appellant has informed that the Respondent No. 1 has expired. Hence, the matter was adjourned to 16/07/2008. On 16/07/2008 neither the Appellant nor the Respondents remained present. Hence, the matter was posted for order.

5. The Appellant sought the information on number of points, which according to the Respondent No. 2 was voluminous. The Appellant has not made out the case for providing him the information within 48 hrs in as much as the information sought was voluminous. The other request of the Appellant to the Public Information Officer to furnish him the information by retyping his questions is not contemplated in the Act. The PIO is not required to again retype the questions and provide answers against each of these questions. Hence, this request of the Appellant was untenable under the Act.

6. Coming now to the merits of the Appeal, it is to be noted that the 2<sup>nd</sup> Appeal before this Commission lies against the decision of the First Appellate Authority made under sub section (1) of section 19 of the Act. The Appellant is not aggrieved by the decision of the First Appellate Authority and makes the grievances that the Respondent No. 2 who is the Public Information Officer has not complied with the direction of the First Appellate Authority. Hence, No. 2<sup>nd</sup> appeal lies since the Appellant is not aggrieved by the decision of the First Appellate Authority. That apart, the Appellant in his memo of Appeal has not clearly specified as to which information is not yet provided to him. He has not complied with the direction of the Commission to specify the details of the information, which has not yet been provided to him. The Appeal memo is vague and makes a general statement that the Respondent No. 2 has not provided complete information. Therefore, we do not find any merits in the present Appeal and therefore the same is hereby dismissed.

7. Pronounced in the open Court on this 30<sup>th</sup> July, 2008.

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

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