

## **GOA INFORMATION COMMISSION**

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

Appeal No. 49/SCIC/2008

Shri. Jose Cruz F. Gomes,  
H. No. 67 – A, Bazar,  
Cuncolim, Salcete – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Chief Officer,  
Cuncolim Municipal Council,  
Cuncolim, Salcete – Goa.
2. The first Appellate Authority,  
The Director,  
Municipal Administration/Urban Development,  
Panaji – Goa.

..... Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 24/07/2008.

Appellant in person.  
Respondent No. 1 person.  
Respondent No. 2 absent.

### **ORDER**

This disposes off the second appeal against the impugned order dated 15<sup>th</sup> April, 2008 of the Respondent No. 2. By the impugned order, first Appellate Authority directed the Public Information Officer "to make all the possible efforts to trace the file or the record and make available to the Petitioner within a period of 10 days". The contention of the Appellant is that inspite of the order of the first Appellate Authority, no information was given to him.

2. Notices were issued and Respondents No. 1 and 2 have filed their say. The contention of the Respondent No. 1 is that the information pertaining to Cuncolim Village Panchayat is very old being for the year 1975 and that the records are not available with the present Municipal Council. As the file is not available, the Public Information Officer "cannot manufacture the information". The Respondent No. 2 has merely enclosed his appellate order.

3. Under section 19(3) of the Right to Information Act, 2005 (RTI Act for short), a second appeal lies against the first Appellate Authority's order passed under section 19(1) of the RTI Act. The Appellant is not aggrieved with the order of the first Appellate Authority. Therefore, no second appeal lies. The second appeal, therefore, is dismissed as not maintainable.

Pronounced in the open court, on this 24<sup>th</sup> day of July, 2008.

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