

GOA INFORMATION COMMISSION

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

Appeal No. 58/2008

Smt. Sushma V. Karapurkar,
H. No. 46, Near Solid Cement Agency,
Karadwada, Mapusa – Goa.

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Appellant.

V/s.

1. Public Information Officer,
Town & Country Planning Department, H.Q.,
Panaji – Goa.
2. First Appellate Authority,
Town & Country Planning Department,
Panaji - Goa.

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Respondents.

CORAM:

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

(Per G. G. Kambli)

Dated: 27/08/2008.

Appellant absent.

Respondent No. 1 present in person.

ORDER

The Appellant vide her application dated 10/07/2008 sought information from the Respondent No. 1 on 7 points and requested to furnish the same within 48 hrs. as it pertains to life and liberty. Immediately, thereafter within 7 days the Appellant filed an appeal before the Respondent No. 2 i.e. first Appellate Authority on 17/07/2008.

2. The Appellant, thereafter, filed the present second appeal before this Commission on 24/07/2008. The present second appeal has been filed within 7 days from the date of filing first appeal before first Appellate Authority. The Appellant has sent her written submission and the Respondent No. 2 filed his reply.

3. As stated earlier, an appeal before the first Appellate Authority was filed on 17/07/2008. The time limit provided for disposal of first appeal under section 19(6) of the Right to Information Act, 2005 (for short the Act) is 30 days extendable by another 15 days for the reasons to be

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recorded in writing by the first Appellate Authority. There is no separate time limit provided for the disposal of the first appeal by the first Appellate Authority even in cases where the information pertains to the life and liberty of the person. The Appellant ought to have waited till the expiry of 30 days time limit from the date of the filing of first appeal and then approach this Commission by way of second appeal under section 19(3) of the Act. The Appellant filed the present second appeal before expiry of 30 days. The Respondent No. 2 has filed the reply stating that the first appeal filed before him was heard on 4/08/2008 and the order was passed on 7th August, 2008 within the time limit specified in section 19(6) of the Act. Hence, the present second appeal is pre-mature and as such it is not maintainable. Therefore, we reject the same.

Pronounced in the open court, on this 27th day of August, 2008.

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

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