

GOA INFORMATION COMMISSION

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

Complaint No. 17/2007-08/Commu.

Shri Dean D'Cruz
Goa Heritage Action Group,
29/30 Green Valley,
Alto, Porvorim - Goa.

..... Complainant.

V/s.

The Public Information Officer,
The Administrator of Comunidade (North),
Tiswadi (Talaulim),
Panaji - Goa.

..... Opponent.

CORAM:

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

(Per G. G. Kambli)

Complaint under Section 18(1)(c) of the Right to Information Act, 2005

Dated: 22/06/2007.

Adv. M. Kaisurkar for the Complainant.

ORDER

Heard the learned Adv. M. Kaisurkar for the Complainant who undertook to file her Vakalatnama. She submitted that the present complaint is filed under Section 18(1)(c) of the Right to Information Act, 2005 (for short the Act).

2. The case of the Complainant is that the Complainant approached the Opponent vide application dated 16/4/2007 seeking certain information from the Opponent under the Act. As the Complainant did not receive any response from the Opponent within the specified time limit, the Complainant has filed the present complaint.

3. In terms of sub-section (2) of section 7 of the Act, if the Public Information Officer fails to give decision within specified time limit, the request of the applicant shall be deemed to be refused. Section 19(1) of the Act, inter alia, provides that any person, who does not receive decision within the time specified in sub-section (1) of Section 7, can prefer an appeal before the

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first Appellate Authority. The Complainant did not file any appeal before Appellate Authority under section 19(1) of the Act. Further, provisions of Section 18 of the Act are subject to the provisions of the Act. Thus, the provision of Section 18 is subject to the provisions of section 19(1) of the Act.

4. Admittedly, the Complainant has not exhausted the remedy available under sub-section (1) of the Section 19 of the Act. Therefore, the present complaint is not maintainable. In case, the complaint is admitted under Section 18 of the Act without resorting to the remedies available under Section 19 of the Act, the provision of Section 19 will render infructuous.

5. In the result, the complaint is hereby rejected. Announced in the open Court on 22nd June, 2007 in the presence of the learned Advocate for the Complainant.

(G. G. Kamblī)
State Information Commissioner

(A. Venkataratnam)
State Chief Information Commissioner