

THE GOA STATE INFORMATION COMMISSION AT PANAJI

Complaint No.43/2006/GMC

Mr. Rajiv Sadashiv Gokhale  
Proprietor, Waterman Laboratories,  
Block No. 401, Chintamani Building,  
1478 Sadhashiv Peth, Tilak Road.  
Pune – 411 030.

.....Complainant

V/S

The Public Information Officer,  
Goa Meat Complex Ltd.,  
1<sup>st</sup> Floor, Vishal Building,  
Dr. Braganza Pereira Road,  
St. Inez, Panaji Goa.

.....Opponent

**CORAM:**

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

(Per A. Venkataratnam)

Dated: 22/01/2007

**ORDER**

This disposes off a complaint filed against the Opponent on 21-11-06. On issuing notices, the Opponent who is the Public Information Officer and the Complainant were present in person. The Case of the Complainant is that he asked certain information from the Opponent who refused to give the information under section 8(h) of the RTI, Act and returned the Demand Drafts sent by the Complainant to him. The reason given is that the file containing the information asked for is not available with the Department as it is taken by the Vigilance Department for inquiry. The Complainant, on the other hand, submits that not only the rejection is incorrect as it is not covered by section 8(h) of the RTI, Act 2005, but also that the Public Information Officer has not mentioned the particulars of the Appellate authority and the time allowed for making such an appeal. In the reply, the Complainant did not comment on this matter. On the

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other hand, the Opponent raised a preliminary objection that as the first appeal is not made to the proper authority, the second appeal to the commission should be rejected.

2. While we agree with the Opponent that the remedy of first appeal has to be exhausted, at the same time as the opponent did not comply with the statutory requirements of section 7(8) of the RTI Act, we direct the first Appellate Authority to dispose off the appeal as and when it is filed by the Appellant condoning the delay. As far this complaint is concerned we are constrained to reject it as the remedy available to the Complainant before Managing Director of Goa Meat Complex Ltd., is not exhausted. We are therefore, not going into merits of the case. Both the Parties should be informed by Registered Post.

(A. Venkataratnam)  
State Chief Information Commissioner, Goa.

(G. G. Kambli)  
State Information Commissioner, Goa