

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 254 OF 2020

AMOL SAWANT.,

.... Petitioner.

Versus

THE PUBLIC INFORMATION
OFFICER.,

.... Respondent.

Mr. Dhaval D. Zaveri, Advocate for the Petitioners.

Mr. S.P. Munj, Additional Govt. Advocate for the Respondent.

Coram : M.S. Sonak, J.

Date : 15th June, 2021.

P.C. :

The challenge in this Petition is to the order dated 18th November, 2019, made by the Goa State Information Commission (GSIC), dismissing the Petitioner's appeal against the order dated 31st December, 2018 made by the First Appellate Authority under the provisions of the Right to Information Act, 2005 (RTI).

2. Mr. Zaveri submits that though the First Appellate Authority had partially allowed the Petitioner's appeal and had also directed the PIO to furnish some information, till date such information has not been furnished to the Petitioner. Mr. Zaveri submits that in such circumstances, the Petitioner was entitled to maintain a second appeal before the GSIC and the GSIC erred in dismissing such an appeal not on the ground of maintainability, but

by observing that the information sought for by the Petitioner has already been supplied to the Petitioner. Mr. Zaveri refers to the provisions of Section 19 of the RTI to submit that there is jurisdictional error in the approach of the GSIC.

3. Having perused the orders made by the various authorities under the RTI, as well as the other material on record, it is not possible to hold that the order of the GSIC suffers from any jurisdictional error or is otherwise liable to be interfered with in exercise of extraordinary jurisdiction of this Court.

4. If the grievance of the Petitioner is about the non-compliance with the order of the First Appellate Authority, there was no question of challenging the order of the First Appellate Authority rather than taking out appropriate proceedings before the appropriate authorities to seek its enforcement. Otherwise, from the perusal of the order of the First Appellate Authority, it is quite clear that substantial reliefs have been granted to the Petitioner. Some of the information applied for by the Petitioner was yet to come into existence and, therefore, the authorities were quite right in expressing their inability to furnish such information. There is no jurisdictional error in the approach of the authorities under the RTI, so as to warrant any interference in the exercise of extraordinary jurisdiction under Article 227 of the Constitution.

5. Accordingly, this Petition is liable to be dismissed and is, hereby dismissed. There shall be no order as to costs.

M.S. Sonak, J.

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