
(2017) 09 BOM CK 0194
In the Bombay High Court
Case No : 556 of 2017

Comunidade of Pilerne

APPELLANT

Vs

Francis D'mello, & Ors.

RESPONDENT

Date of Decision : 20-09-2017

Acts Referred:

Citation : (2017) 09 BOM CK 0194

Hon'ble Judges : C. V. Bhadang

Bench : SINGLE BENCH

Advocate : Y. V. Nadkarni, N. Noronha, Nigel D''Costa Frias, L. Sawant

Final Decision : Allowed

Judgement

1. Rule, made returnable forthwith. The learned Counsel for the respondent no.1 waives service. Heard finally by consent of parties.

2. The respondent no.1 had filed an application seeking certain information with the PIO, which application was not decided. Hence, the respondent no.1 approached the First Appellate Authority, which by an order dated 11/03/2016, directed the petitioner Comunidade to provide the information through the Administrator. The petitioner sought to challenge the said order in Second Appeal. Second Appellate Authority, by an order dated 21/03/2017, has declined to entertain the appeal on the ground that it is not maintainable. Hence, this petition.

3. The petitioner, by way of amendment, has challenged the order of the First Appellate Authority, on the ground that it is unreasoned. The petitioner is restricting its challenge in terms of prayer clause (i)(a).

4. On hearing the learned Counsel for the parties and on perusal of the record, it is apparent that the order of the First Appellate Authority is unreasoned. Any order of quasi judicial nature has to contain reasons for the conclusions reached and the reliefs granted. In such circumstances, I find that it would be appropriate

that the First Appellate Authority reconsiders the matter and decides the same in accordance with law, after hearing the parties.

5. In the result, the following order is passed :

ORDER

(i) The petition is partly allowed.

(ii) The impugned order dated 11/03/2016 is hereby set aside.

(iii) Case No.RTI/AC-II/APL/17/2014 is restored back to the file of the Additional Collector and the First Appellate Authority, for deciding the same afresh in accordance with law, after hearing the parties.

(iv) The First Appellate Authority shall decide the appeal as expeditiously as possible and preferably, within a period of six weeks from the receipt of this order.

(v) Needless to mention that this Court has not dealt with the question as to maintainability of the Second Appeal.

(vi) Rival contentions of the parties are left open.

(vii) Rule is made partly absolute in the aforesaid terms, with no order as to costs.