

**W.A.H. PERERA .VS. MULTI PURPOSE COOPERATIVE SOCIETY**

**UDADUMBARA**

RTIC Appeal 1350/ 2019- Record of Proceedings under Rule 28 and Motion for withdrawal of an appeal under Rule 30 of the Right to Information Rules of 2017 (Fees an Appeal Procedure ) adopted as part of a formal meeting of the Commission on 24.02.2020.

**Chairperson:** Mr. Mahinda Gammampila

**Commission Members:** Mr. S.G. Punchihewa

Dr. Selvy Thiruchandran

**Director- General:** Mr. D.G.M.V Hapuarachchi

**Appellant:** W.A.H Perera

**Notice issued to:** Designated Officer, Multy Purpose Coopratative Society, Ududumbara

<b>RTI Request filed on:</b>	28/12/2018
<b>IO responded on:</b>	No response
<b>First appeal to DO filed on:</b>	03/01/2019
<b>DO responded on:</b>	No response
<b>Appeal to the RTIC appealed on:</b>	05/03/2019

**Briefly stated facts in appeal;**

The appellant vide RTI request on the above date had requested the information stated here under;

1. Certified copies of the tenders received to build 6 shops and toilets and copy of the agreement with the bidder of the lowest tender
2. The rent was lower than the price previously agreed. Therefore provide the manner the loss would be collected. Provide copies of such agreement
3. A certified copy of the agreement relating to the lowest tender
4. A certified copy of highest tender relating to the building given for rent and the agreement
5. A certified copy of the highest tender and other tenders.

The record evinced that the public authority had failed to adhere to the mandatory procedure laid down in the RTI Act, in allowing access to the information as stated above.

As such the appellant preferred an appeal to the Commission. The Commission on receipt of the above appeal, noticed both parties to appeal before the Commission on 24.02.2020 for the hearing of the appeal.

**Matters arising during the hearing of the appeal:**

On the above date of the hearing the public authority was present, but the appellant did not make his appearance. Nevertheless the Commission noted that a letter sent to the Commission by the appellant's wife informing that the appellant has passed away and as such she moves to withdraw the appeal.

As such the Commission was satisfied that the withdrawal is in accordance with the Right to Information Commission Rules as stated below.

Hence the withdrawal was allowed, and the appeal was concluded accordingly

Rule 30 (1) of the Right to Information Commission Rules of 2017(Gazette No. 2004/66 published on 03.02.2017)

‘ the appellant while an appeal is pending may at any time withdraw the appeal by forwarding to the Commission a memorandum in writing with reasons stated signed by him self/her self a copy of which is served on the other party and the Commission shall forthwith inform every other party of the withdrawal’

Rule 30(3) of the Right to Information Commission Rules of 2017, states thus;

‘ if the Commission is satisfied with the reasons stated for withdrawal in sub – rules (1) and (2) above, it shall allow the withdrawal of the Appeal.

The Commission under and in terms of Rule 30(3) of the Right to Information Commission Rules of 2017 (Gazette No. 2004/66 published on 03.02.2017, being satisfied of the reasons provided, permits the withdrawal of the appeal.