

GOA STATE INFORMATION COMMISSION

‘Kamat Towers’, Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza, State Information Commissioner.

Appeal No: 01/SIC/2011

Mr. Bharat Naik,
Yeshwant Hoshi Building,
Room No. 9, Koper Road,
Dombivili West,
Maharashtra

..... **Appellant**

V/s.

1. Public Information Officer,
North Goa Planning & Development Authority,
Archidicoese Building, 1st floor,
Mala, Panaji – Goa.

..... **Respondents No. 1**

2. First Appellate Authority/Chairperson,
North Goa Planning & Development Authority,
Archidicoese Building, 1st floor,
Mala, Panaji – Goa.

..... **Respondents No. 2**

Relevant emerging dates:

Date of Hearing : 16-02-2016
Date of Decision : 16-02-2016
RTI application filed on : 18-03-2010
Second Appeal filed on : 03-01-2011

O R D E R

BRIEF FACTS OF THE CASE are that the Appellant had sought information vide his application dated 18-03-2010 as to the following: What is the material by which you state that development carried out by Mr Vishwamber Naik is in conformity with rules and regulations and whether he has obtained conversion sanad and whether set backs are as per regulations and whether said construction could be carried out in conservative zone.

1. The Respondent PIO in his reply dated 13-04-2010 informed that the information sought amounts to hypothetical questions and is beyond the scope of the RTI Act.
2. The Appellant then moved the FAA who by his order dated 08-09-2010 upheld the reply of the PIO but allowed the Appellant to take inspection of the file and obtain the required certified copies after scrutiny of the file. The Appellant not being satisfied with the order of the FAA, has come in 2nd appeal before the commission.

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3. During the hearing the Appellant who is from Maharashtra is absent despite advance notice without intimation to the commission. As per the RTI Act 2005 the Appellant can opt to remain absent. The Respondent PIO Mr. R. K. Pandita who is present in person requests the commission that this being an old pending matter pertaining to the year 2010 the same should be taken up for disposal.
4. The Respondent PIO submits that using questions such as why, what, whether and which are hypothetical are not permissible to answer and the information seeker should have been specific about what information he wants. The PIO shows the commission an Order passed by the FAA wherein the Appellant was asked to inspect the files and take whatever information he wanted but he has never turned up and instead filed a 2nd Appeal before the commission without reason.
5. The PIO further gives an undertaking to furnish all information as desired by Appellant including giving a complete inspection of the said file as per order No: NGPDA/890/2554/08 dated. 24/12/2008 and prays that the commission may dispose the said appeal accordingly.
6. The commission concurs with the view of the Respondent. Asking hypothetical questions and requesting information using interrogatories is not possible for the PIO to answer and on this count alone the Appeal is liable to be dismissed.
7. However in view of the undertaking given by the Respondent PIO the Commission disposes the appeal with following directions: The Appellant is directed to approach the office of the Respondent before 10th April 2016 and collect the desired information and the Respondent will give inspection of the concerned file and if the Appellant desires to get some photocopies of some of the documents the Respondent will extend full cooperation in furnishing relevant information to the Appellant against payment of the prescribed photocopying charges.
8. With these observations the Appeal is disposed. Pronounced in open court at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order to be sent to the parties free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner