

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

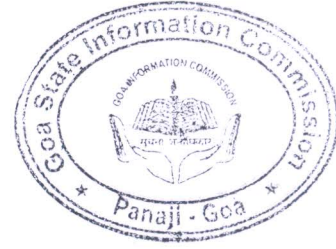
Appeal No. 14/SIC/2013 /834

Mr. Rony Dias,
H. No.12,
Murida Cuncolim,
Salcete- Goa. 403 703

.....**Appellant**

v/s

1. Public Information Officer,
Cuncolim Municipal Council,
Cuncolim, Salcete – Goa
2. First Appellate Authority,
Directorate of Municipal Administration,
Panaji–Goa.



..... **Respondents**

Relevant emerging dates:

Date of Hearing : 28-09-2016

Date of Decision : 28-09-2016

ORDER

1. Brief facts of the case are that the Appellant had vide an application dated 25/06/2012 sought certain information from the Respondent PIO, Cuncolim Municipal Council. The information pertains to furnishing a copy of unedited CCTV footage of the 21/06/2012 evening.
2. It is the case of the Appellant that the Respondent PIO did not furnish a reply and as such the Appellant filed First Appeal with the First Appellate Authority (FAA) on 14/08/2012 and FAA fixed the hearing for the first Appeal on 14/09/2012 and thereafter an oral order was passed 02/11/2012. Being aggrieved that despite the oral order of the FAA, the PIO has not furnished information fully and correctly the Appellant subsequently filed second Appeal on 23/01/2013.
3. During the hearing the Appellant is absent despite advance notice without intimation to this Commission. The Respondent PIO is represented by Sabina Fernandes, LDC, O/o Municipal Engineer.

4. At the outset the Representative of the PIO submits that the Complainant is not interested in pursuing the Appeal case and that he has remained absent for three hearings i.e. on 05/07/2016, 17/08/2016 and 28/09/2016 (today). It is further submitted that pursuant of the oral order of the First Appellate Authority all efforts were made to trace the CCTV footage which could not be found by the PIO who had even contacted the technician.
5. It is stated that as the concerned technician could not locate the fault, the Respondent PIO wrote a letter to Cobra & Fire Safety System(agency), Mala-Fountains, Panaji on 07/09/2012 requesting to remove the footage of DVR of CCTV from 20/06/2012 to 22/06/2012 and furnish three copies of CD's and the said agency vide their letter dated 13/09/2012 informed the Respondent PIO that the DVR is faulty and hence the IDX extension file is not releasing files from the DVR and hence it impossible to get a back up of the same and without the IDX file the back up that has been released has got deleted.
6. The representative for the Respondent PIO further submitted that the Respondent PIO tried his best to furnish the footage as requested by the Appellant but however due to above difficulties the same could not be furnished and denies that the PIO has malafidely withheld information as falsely alleged by the Appellant.
7. The Commission has perused the material on record including the RTI application, Copy of the First Appeal filed by the Appellant before the FAA, detailed reply of the Appellant dated 22/10/2012 and reply of the Respondent PIO dated 04/10/2012, copy of the Second Appeal memo.
8. The Commission finds that as per letter dated 07/09/2012 of the PIO to Cobra & Fire safety System(agency) it was requested to remove the footage of DVR of CCTV from 20/06/2012 to 22/06/2012 and submit three copies of CD's.

And the said agency informed the PIO by letter dated 13/09/2012 that the DVR is faulty.

9. Also on record is another letter dated 13/10/2012 of another agency 'FUTURE TRENDS' addressed to the PIO clearly stating that they were approached by the Appellant (Ronnie) to help him recover the data from the CCTV cameras and that an inspection was carried out in the presence of the Chairperson and as the data is stored in the hard disk which is in the DVR & not on the PC, it is not possible to recover the data without taking the hard disk to the workshop and which was disagreed by the Chairperson and that the preliminary inspection shows that the hard disk is OK, but for detailed checkup regarding the state of the hard disk, the hard disk needs to be taken to the workshop for further inspection.

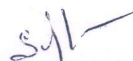
10. The Commission comes to the conclusion that the PIO has made all efforts to furnish information to the Appellant, however he was unsuccessful because of technical defect in the system and which is confirmed by both the agencies viz Cobra & Fire Safety System and 'FUTURE TRENDS' in their separate letters to the PIO. The Commission is therefore satisfied that there is no malafide intention on the part of the PIO and that the PIO has not denied nor concealed information and hence the PIO has not faulted in anyway.

The appeal is devoid of any merit and accordingly stands dismissed

All proceedings in Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.



Under Secretary cum Registrar
Goa State Information Commission



(Juino De Souza)
State Information Commissioner