

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza, State Information Commissioner.

Appeal No. 28/SIC/2012 | 1626

Mr. Bandhagit Nadaf,
Karma Paes Avenue,
F.L. Gomes Road,
Vasco-da- Gama-Goa.

..... Appellant

V/s

Public Information Officer,
Under Secretary Revenue-I,
Secretariat, Porvorim – Goa.

FAA, Jt. Secretary (GA)
Secretariat, Porvorim-Goa

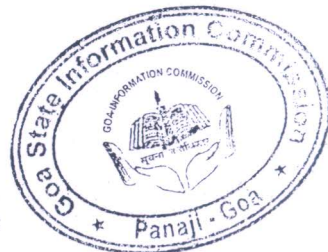
..... Respondents

Relevant emerging dates:

Date of Hearing : 27-04-2016

Date of Decision : 27-04-2016

ORDER



1. Brief facts of the case are that the Appellant vide his application dated 30-09-2011 sought certain information from the Respondent PIO regarding land acquired at Adarsh Nagar, Chicalim, Mormugao of PT Sheet No. 144 of Chalta no 1 under city survey of Vasco da Gama acquired under Goa Gazette notification No. 22/32/2002-RD dated 13-01-2003 in reference to Uddipta Ray committee. It is the case of the Appellant that the PIO failed to furnish the required information and which is why he preferred a First Appeal and the FAA by an order passed on 16-12-2011 disposed the said appeal and being aggrieved has filed Second Appeal before the commission on 06-02-2012.
2. During the hearing the Appellant Mr. Bandhagit Nadaf is absent despite advance notice sent by Registered Post without any intimation to the commission. However he has sent a letter dtd 22/4/2016 opting to remain absent. The Respondent PIO Mr. Ashutosh Apte, Under Secretary, (Revenue-I) is present in person.

3. The PIO submitted that the application dated 30-09-2011 of the Appellant was transferred to the PIO, Under Secretary, (Revenue) - I on 10-10-2011 as the subject matter pertained to the Revenue Department and that the Appellant also sent another application dated 17-10-2011 asking for the same information.
4. The Respondent PIO further submits that the Appellant vide a letter dated 20-10-2011 was told to inspect the file and take whatever necessary documents on payment of necessary fees and while the Appellant has inspected the file is not willing to collect the information documents as he has to pay necessary fee.
5. It is also submitted that vide letter no. RD/RTI/115/2011 dated 08-11-2011 and 15-11-2011 the Appellant was sent two reminders to come and collect the information documents on paying the costs and instead of doing so he preferred a First Appeal and the FAA vide his order dated 16-12-2011 disposed the said appeal stating that the Appellant had inspected the file on 24-10-2011 and despite conveying to collect the information by paying the necessary cost did not turn up.
6. The PIO argued that it is the failure on the part of the Appellant who does not want to collect information on payment of costs and as such nothing survives in Appeal and requests to dispose this long pending matter.
7. On scrutiny of the file the Commission observes that a detailed reply dated 26-04-2012 has been filed by PIO –Under Secretary (Revenue-I) is on the record of the file. The said reply states that vide letter no RD/RTI/115/2011-RD dated 02-11-2011 the Appellant was informed that the report of Uddipta Ray is not available, however the documents relating to the subject may be collected.
8. The reply further states that the Appellant was never denied any information and it is because of the Appellant's failure to pay and collect the documents that has put the Government to loss by wasting time in removing Xerox copies and keeping aside all other important work of the government.



9. It is further mentioned in the said reply that the Appellant inspected the said file and has remarked as under: 'Inspected the file relating to the above subject and found the report of Shri Uddipta Ray is missing and hence your goodself to find the same and allow me the certified copies of all documents in the file (full file) on 24-10-2011.

10. The commission concurs with the submissions of the PIO that it is the failure on the part of the Appellant who does not want to collect information on payment of costs and wants it free of charge. The very fact that the PIO allowed the Appellant inspection of the said file is sufficient proof of the bonafide that the PIO has not denied any information.

11. The Appellant has also made a false averment by stating in paragraph no 2 of the appeal memo that the PIO failed to furnish the required information and no reply was granted as per application dated 30-09-2011 and subsequently delay of more than month and further no say/information was allowed when in fact the PIO has submitted the reply on time.



12. The Commission comes to the conclusion that no intervention is required with the order of the FAA which is upheld. The Appeal is devoid of any merit and is accordingly dismissed. All proceedings in the appeal case stand closed. Pronounced in open court on conclusion of the hearing before the parties who are present.

Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)

State Information Commissioner