

GOA STATE INFORMATION COMMISSION

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

**CORAM: Shri Prashant S. P. Tendolkar,
Chief Information Commissioner
Smt. Pratima K. Vernekar,
State Information Commissioner**

Appeal No. 62/ SIC/2014/

Smt. Bindu B. Asgaonkar,
Sony Niwas, H. No. 32, Ward No. 10,
Khorlim, Mapusa-GoaAppellant.

V/s.

1. Public Information Officer,
(Shri Raju Gawas),
Mapusa Municipal Council,
Mapusa-Goa
2. The Assistant Public Information
Officer,
(Shri . Hussain Khan), Mapusa
Municipal Council, Mapusa-Goa
- 3 First Appellate Authority,
The Director of Municipal
Administration And Urban
Development, (Shri Elvis Gomes),
Collectorate Building-Ground floor,
Panaji-Goa

...Respondents

Appeal filed on :25/06/2014

Decided on : 09/08/2016

FACTS:

1. By an application, filed u/s 6(1) of The Right to Information Act 2005 (Act), dated 25/02/2014 Appellant sought information at (16) queries pertaining to her various complaint filed against purported illegal construction/ structures erected in their property bearing Chalta No. 31 to 33 of P. T. Sheet No. 94 of City of Mapusa in ward No. 10 Khorlim Mapusa by Shri Mahesh Kanolkar and his brothers.

...2/-

2. By reply, dated 21/03/2014 and 24/03/2014 the Respondent No. 1 PIO (Public Information Officer) furnished the information to the applicant.
3. Being not satisfied with the reply of Respondent No. 1, PIO, the Appellant preferred 1st Appeal before the Director of Municipal Administration and Urban Development and the Respondent No. 3, FAA (First Appellate Authority) by an order dated 16/05/2014 quashed and set aside the replies dated 21/03/2014 and 24/03/2014 and directed the Respondent No. 1, PIO to furnish one comprehensive reply to the queries based on the availability of information within a period of 15 days therefrom.
4. In compliance of the said order, the information came to be furnished to the Appellant by letter, dated 23/05/2014.
5. Being not satisfied with the information provided at Sr. No. 3,4,5,6, 7,9,10,11,12,13,14,15 and 16 preferred this second Appeal under section 19(3) of the act before this Commission on 25/06/2014 and has sought for direction to provide information to their clarifications at Sr. Nos. 3,4,10,11,12,13,14,15 and 16 with regards to queries at 5 and 6 he has sought directions for logging FIR with Mapusa Police Station and as regards to query at 7 and 9 to be transferred under section 6(3) to the concern public authority. He had also sought the penalties under section 20 of the Act.)
6. After due service of notice the matter was taken up for hearing. During hearing Shri J. T. Shetye appeared on behalf of Appellant. Respondent No.1, Shri Raju Gawas was present

and filed reply on 05/04/2016 alongwith the information which was provided to the Appellant on 23/05/2014 in compliance with the order of FAA. A copy of the same was provided to the representative of the Appellant. The Appellant was directed to verify information and report whether there is any deficiency according to him and further information if any due to be brought to Commission's notice. The appellant did not complaint of any such deficiency with reference to the information provided to her on 05/04/2016 .

FINDINGS

7. On going through the application filed under section 6(1) vis a vis the information provided to the Appellant on 21/3/2014,24/03/2014 and 5/4/2016, it is observed that by the first reply ,dated 21/3/2014 query nos.(1),(2) and (14) were answered.

By second reply dated 24/3/2014, the query nos. (3) (4),(5),(7) and (9) were answered by calling for furnishing additional details.

Regarding query nos. (6),(8),(10) to (13) and (16) are answered by reply dated 5/4/2016. The appellant has not raised any objection to the said replies dated 5/4/2016. More over the answers to query nos. (11) to (13),(15) and (16) does not require reply being beyond the scope of information as held by the concerned public authority and if allowed would lead to permitting fishing of information.

8. The appellant has also sought for penalty. On going through the application and the records of reply given, we find that the PIO had by his reply, dated 24/3/2014 had called upon appellant to furnish the details as according to him the

application was vague. The delay if at all had occurred is was on account of the non furnishing of the details by the appellant. Thus delay appears to be contributory. Hence the same cannot be attributed solely to PIO. Being so we are not inclined to grant the relief of penalty as prayed by the appellant.

9. In the above circumstances we dispose the present appeal with the **ORDER** as under:

Appeal stands dismissed.

Parties to be intimated.

Proceeding closed.

Pronounced in the open proceedings

Sd/-
(Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

Sd/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji-Goa

