

**BEFORE THE GOA STATE INFORMATION COMMISSION  
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

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

**Appeal No. 128/SIC/2014**

Shri Ajit D.Kudalkar,  
South Goa Planning and Development,  
Authority, Margao, Salcete Goa.  
**Goa,**

.....Appellant

**V/s.**

1. The Public Information Officer,  
Member Secretary, S.G.P.D.A., 4<sup>th</sup> floor,  
Osia Commercial Arcade,  
Margao Goa.

..... Respondent No.1

2. The First Appellate Authority,  
The Chairman, S.G.P.D.A.,  
Margao Goa.

..... Respondent No.2

Appeal Filed on. 04/12/14

Disposed on 31/5/16

**ORDER**

1. The present second appeal came to be filed by the Appellant Shri Ajit Kudalkar on 4/12/2014 before this commission with the grievances that the Respondent No. 1 PIO , Member secretary S.G.P.D.A Margao failed to provide him the desired information which was sought by him on 20/2/2014 U/s 6 of RTI Act 2005. Despite of payment of required fees and that Respondent No. 2 first appellate authority, the chairmen SGPDA Margao failed to decide his first appeal within stipulated time.

...2/-

2. After notifying the parties the matter was taken up on board and was listed for hearing.
3. During the hearing appellant was present in person and Respondent No. 1 was represented by Advocate S.Korgaonkar. He filed reply on behalf of Respondent No. 1 along with annexures containing the information.

It is submitted by Advocate for Respondent that the first appeal was filed by the appellant on 8/4/2014 which was duly disposed within stipulated time as contemplated under the RTI Act by order dated 22/12/2014 wherein direction were given to PIO to send the intimation to the appellant to collect the information and if not collected then to send the information by Registered A.D. It is further submitted that in pursuant to the order of Respondent No. 2 FAA, PIO Respondent No. 1 tried to furnish the said required information to the appellant by registered post on his residential address. The Advocate for respondent No. 1 enclosed the envelop and A.D. cards at exhibit E and F which was duly return back by postal authorities with endorsement "unclaimed". It was also submitted by the Advocate for the Respondent that earlier on 30/4/2014 required Information was sent to him by registered post and produced on record the copy of the letter along with the Registered acknowledgment at exhibit G.

4. Based on the documents relied by the respondent and also seeing the conduct of the appellant before this Commission, it was observed that the appellant is adamant in not receiving the information. It was also observed in the course of proceeding that the appellant was always reluctant to put his signature when called upon to do so in token or his acknowledgement of any fact. It makes us appear that he is not interested in securing information and is

trying to harass the respondent apparently to settle his personal scores

5. In the above background this commission felt in proper to open the envelopes allegedly containing the information which was send to the appellant by post but refused by him. Accordingly on both the envelopes were opend in the presence of appellant , Advocate S. Korgaonkar for PIO and Ms Pratima Vernekar, State information Commissioner-I by Chief Information Commissioner and the Memorandum was drawn . The information papers contained in the first envelop were numbering 11 as listed in the memorandum and in envelop No. 2 only one document was found which is also mentioned in a memorandum. The copies of the papers /Contents of each envelop are initialed on the reverse and also on the two envelopes by the CIC, SIC and Advocate for The PIO. The Appellant as usual refused to initial the same in token of having opened the said envelop in his presence.
6. On going to the contents of the said envelopes which was attached to the reply it is found that the queries/ information as sought for by the appellant was furnished therein. As such this commission directed the appellant to receive the same if he still desires is receive the same so on or before 31/5/2016. And thereafter the two envelopes alongwith contents were inserted in one large envelop and were initialed by the above named persons. The memorandum was read over before the above named parties and was signed as before. The appellant also refused to sign the same.
7. In spite of the opportunity to the appellant to collect the information from this Commission the appellant failed to do so today that is on 31/5/16 the appellant was absent when the matter was called. It appears that the appellant is not interested in collecting the said

information. Hence the commission feels that there is no point in keeping this appeal pending. In the aforesaid circumstances commission feels that the relief vide appeal stands granted and the appeal is rendered in fructuous.

In the above circumstances following order is passed

- a) The appellant is granted a liberty to collect the information as filed by the PIO before this Commission by filing necessary application, if he wish so.
- b) The appellant is also granted liberty to seek additional information if required .
- C) The appeal stands disposed it accordingly proceeding closed.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in open court.

Sd/-

**(Prashant S. P. Tendolkar)**

State Chief Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

Sd/-

**(Pratima K. Vernekar)**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa