

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

Complaint No.539/SIC/2010

Shri Prabhaka S. Yende,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward No.11,
Khorlim, Mapusa –Goa.

..... Complainant

V/s

1) The Public Information Officer,
Kadamba Transport Corporation Ltd.,
Praiso De Goa, Executive Engineer,
Alto Porvorim-Goa.

..... Respondent No.1

2) The Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa.

..... Respondent No.2

Filed on; 27/09/2010

Decided on: 13/07/2016.

1) FACTS:

a) By application dated 16/07/2008 the Complainant sought from the Respondent No.2 the information whether the four stalls allotted to four persons, mentioned therein, fulfill the criteria allotment under the self Financing Scheme under the Mapusa Municipal Council. The said application in terms of an appeal No.276 of 2008 resulted in an order dated 15/04/2009 wherein this Commission directed the Respondent No.2 to transfer the said application to the Respondent No.1 for providing information.

b) As the Respondent No.1 did not furnished the information the complainant approached this Commission by Complaint No.19 of 2009 seeking information as also other prayers.

c) This Commission by order, dated 07/05/2010 held that the Respondent No. 1 has not furnished the information as the order of this Commission in

...2/-

appeal No.276/2008 was not furnished. By the said order this Commission directed Respondent No.2 to furnish the copy of the order to Respondent No.1.

d) Based on the said order the Respondent No.1 furnished the information to the complainant on 01/07/2010 informing that the 4 stalls allotted to the four persons were not under self financing Scheme under by Mapusa Municipal Council but they are allotted in terms of No objection certificate dated 07/02/2002.

e) Being not satisfied with the reply the complainant has filed the present complaint seeking information and also for penalty against the PIO.

f) Notice of this complaint was issued to the parties and they appeared. Though Respondent No.1 in its reply dated 09/09/2011 stated that though the order was passed by the Commission on 07/05/2010 it was received by it much later and hence the information has been submitted within stipulated time.

g) The complainant has filed the counter reply seeking the said information as also penalty.

h) Though initially the Complainant was present, subsequently neither complainant nor his representative remained present. The Respondent No.2 filed the reply.

i) In view of the continuous absence of the complainant this commission decided to dispose the complaint based on the records.

2) **FINDINGS:**

a) On going through the records it is seen that the initial application which was filed was transferred to Respondent No.1 and within the stipulated period the information was furnished.

b) In spite of receiving the said information the complainant has approached this commission with this complaint, which according to us is not maintainable. We are supported in this view by the judgment of the Hon'ble Apex Court in the case of *Central Board of Secondary Education & another V/s Aditya Bandopadhyay and others Civil appeal No.6454/2011* wherein at para (35) it is held.

"A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant."

c) Be that as it may, according to us the complainant has been furnished with the information. By his application dated 16/07/2008 he has sought to

know whether the 4 stalls allotted to four persons in the KTC Bus stand complex fulfill the criteria of allotment under Self Financial Scheme. The answer given by the PIO is that said allotment is not under Self Financing Scheme. Being so the question of fulfillment of criteria under said scheme does not arise. Hence we are unable to concede to the submission of the complainant that the PIO's are hiding information or that there is any denial of request of information. It appears that the complainant want to know whether said 4 persons fulfills the criteria or not in spite of fact that such criteria was not applied. This was not the information as was sought and hence such a query is not required to be answered by the PIO.

e) The complainant on account of his absence is unable to substantiate his claim. On going through the records also we find that information is furnished. The delay caused in furnishing the information has been properly explained. Hence the question of imposing penalty is not involved herein.

In the circumstance, we find no merits in the present complainant and hence we dispose off the present complaint with the following:

O R D E R

Complainant stand dismissed.

Parties to be intimated.

Proceeding closed.

Pronounced in the open proceedings.

Sd/-

(Prashant S. P. Tendolkar)

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

Sd/-

(Pratima K. Vernekar)

State Information Commission
Goa State Information Commission,
Panaji-Goa