

GOA STATE INFORMATION COMMISSION

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

Appeal No. 237/2016

Bharat L.Candolkar,
Vady, Candolim,
Bardez Goa.

.....Appellant

V/s.

1. Public Information Officer (PIO),
North Goa Planning and Development Authority,
Mala Panaji Goa.
2. First Appellate Authority (FAA),
The Chairman,
North Goa Planning and Development Authority,
Mala Panaji Goa

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 25/10/2016

Decided on: 18/09/2017

ORDER

1. The appellant , Shri Bharat Kandolkar has filed the present appeal on 25/10/16 praying the information as requested by the appellant in his application dated 8/4/15 be furnished to him correctly; for invoking penal provisions and awarding compensation to him .
2. The brief facts leading to the present appeal are as under :-
That the appellant , vide his application , dated 8/4/15 addressed to the public information officer (PIO) of the office of the Goa Coastal Zone Management Authority Panajim, requested for information on 8 points as stated therein in the said application pertaining to his complaint dated 22/3/15 with regards to construction carried out by Rui De gama and M/s Gama Builders Pvt. Ltd ., Candolim Goa in property Survey No. 128/4 and 128/6 of Village Candolim Goa. The same was sought u/s 6(1) of right to information Act ,2005.
3. The application of the appellant was transferred by the PIO of Goa Coastal Zone Management Authority on 1/6/15 u/s 6(3) of the RTI

Act,2005 to the PIO of Town and Country Planning Department (Head Quarters) Panaji Goa with a request provide him information to point No. 1 ,2,3 and 4 .

4. The PIO of Town and Country Planning Department (Head Quarters) Panaji Goa inturn transferred the same to the PIO of Town and Country Planning Department Mapusa u/s 6(3) of the Right to Information Act.
5. The PIO Town and Country Planning Department Mapusa vide letter dated 29/6/2015 informed the appellant that the information at point NO. 1 to 4 cannot be furnished to him as on checking the files registers they could not locate any of the references of the Survey No./ Sub Division No. Applicants name village names etc. as mentioned by him. And the appellant was requested to give the clarification.
6. The PIO of Town and Country Planning Department, Mapusa, again vide their letter dated 18/8/15 informed the appellant that the candolim planning area falls within jurisdiction of North Goa Planning and development authority, Panajim
7. According to the appellant as no information was received by him as such he filed first appeal before the first appellate authority on 8/9/2015 who is the Respondent No.2 herein.
8. It is the case of the appellant that first appeal was not disposed he filed first appeal before this commission vide appeal No, 123/SIC/2015, which was disposed by order dated 16/5/2016 thereby remanding matter back to Respondent No. 2 FAA for hearing it and disposing it in accordance with Law.
9. According to the appellant the First Appellate authority did not comply with the order passed by this Commission dated 16/5/2016 and that no order was passed by the First appellate authority.
10. According to the appellant both the Respondents by their act of denying the information breached the mandate of RTI Act.

11. Being aggrieved by the action of both the respondents, the appellant approached this commission once again on 25/10/2016 by way of second appeal filed u/s 19(3) of the RTI Act on the grounds as raised in the memo of appeal.
12. In pursuant to the notice of this commission Appellant appeared along with Advocate Atish Mandrekar. Respondent No. 1 PIO Shri R.K. Pandita was present on some occasion and on some occasion was represented by Shri Vikaram Tengse. Respondent No. 2 FAA was absent.
13. Reply was filed on 27/2/2017, so also Additional reply was also filed by the PIO on 23/6/2017, thereby enclosing the copies of the Information. The appellant was directed to verify the information provided to him vide said reply. On subsequent date the Advocate for the appellant submitted that the information furnished to them does not pertain to Shri Rui Gama and is pertaining to some another person namely Valentry Sequira. As such the Respondent PIO was directed by this Commission to give the clarification on the same. Accordingly clarification was given by the Respondent PIO on 12/9/2017 and on 18/9/2017.
14. The copies of the replies/clarification of the respondent were furnished to the appellant. on verification of the same ,the appellant then submitted that with the said information his requirement are fully satisfied and as such has got no grievance against PIO and not pressing for penal provisions . Accordingly appellant endorsed his say on the memo of appeal.
15. In view of the submissions and endorsement made by the appellant , I find no reason to proceed with the matter.

Appeal disposed accordingly . proceedings stands closed.

Notify the parties.

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 under the Right to Information Act 2005.

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