

# GOA STATE INFORMATION COMMISSION

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

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**Appeal No. 112/2016**

Mr. Joaquim A. Fernandes,  
Bonphil Apartments,  
Flat No. 1, Bollepand,  
Fatorda Goa.

..... Appellant

## **V/s.**

1. Public Information Officer  
Member Secretary,  
South Goa Planning and Development Authority,  
4<sup>th</sup> floor, Oasis Complex Building,  
Near SGPDA Market Complex,  
Margao Goa.

2. First Appellate Authority  
South Goa Planning and Development Authority,  
Margao Goa. .... Respondents

## **CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 03/06/2016**

**Decided on: 19/06/2017**

## **ORDER**

1. Brief facts leading to the present appeal are as under .

The appellant Shri Joaquim Fernandes by his application dated 29/2/16 filed u/s 6 (1) of RTI Act, 2005 sought inspection of file including the file noting regarding the development permission issued by their office by letter No. SGPDA/P/4743/949 dated 11/8/11 to Mr Bellarmin Fernandes for the proposed construction of Bunglow in the plot bearing No. chalta No. 27 of P.T.S. No. 65 situated at Bolepand, Fatorda Goa from the PIO, South Goa planning development authority, Margao, Goa who is the Respondent No. 1 herein .

2. The said was responded by the Respondent PIO on 14/3/2016 thereby informing the appellant that the said file has been sent to

senior town planner (head quarters ) and once the file is received the information will be furnished to him.

3. Being aggrieved by the reply of the Respondent No. 1 PIO the appellant preferred first appeal on 30/3/16 before the Respondent No. 2 and since the Respondent No. 2 FAA did not hear and dispose the first appeal within the specified time limit, the present appeal came to be filed under 19(3) of the RTI Act,2005 before this commission on 3/6/2016 thereby seeking directions as against Respondent PIO for furnishing him the requested information sought by him vide his application dated 29/9/16 and for invoking penal provision.
4. In pursuant to the notice of this Commission the appellant was present alongwith Advocate Aatish Mandrekar. Respondent No. 1 PIO was represented by Advocate S.Naik.
5. Affidavit in Reply filed by PIO Shri Ashok Kumar on 19/5/17 . The copy of the same was furnished to the Advocate for the appellant .
6. Since the Advocate for the Appellant submitted that the civil case is pending before the Civil court at Margao, the inspection of the said file is required by him on priority basis. The Advocate for the respondent Ms S. Naik also volunteered to give inspection of files bearing No. SGPDA/P/4743 containing the information. Accordingly the inspection was carried out by the appellant and due information was furnished to appellant .
7. The advocate for the Respondent also placed on record the correspondence entered between the member secretary and the senior town planner with regards to movement of the said file.
8. On 19/6/17 the appellant was present alongwith Advocate Atish Mandrekar. It was submitted on behalf of appellant that due information was received by them is as per their requirement and is satisfied with the same and as such not pressing for penalty.

9. In view of submission by the Advocate for appellant nothing survives to be decided in the present matter.

Appeal disposed accordingly. Proceeding closed.

Pronounced in open proceedings

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 against this order under the Right to Information Act 2005.

Sd/-

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