

GOA STATE INFORMATION COMMISSION

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

Appeal No. 113/2016

Mr. Joaquim A. Fernandes,
Bonphil Apartments,
Flat No. 1, Bollepand,
Fatorda Goa. Pin-403602.

..... Appellant

V/s.

1. Public Information Officer,
Member Secretary,
South Goa Planning and Development Authority,
4th floor, oasis Complex Bldg.
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 of the present appeal are as under ,
2. The appellant Shri Joaquim Fernandes by his application dated 29/2/16 filed u/s 6 (1) of RTI Act, 2005 sought certain information on point 2 with regards to 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 Bungalow in the plot bearing No. Chalta No. 27 of P.t.s. 65 situated at Bollepand Fatorda Goa from the PIO, South Goa planning development authority, Margao, Goa who is the Respondent No. 1 herein.
3. The said was replied by the Respondent PIO on 14/3/16 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.

4. 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 herein and since the Respondent No. 2 FAA did not hear and dispose first appeal within specified time limit, the present appeal came to be filed under 19(3) of the RTI Act,2005 before this commission on 3/6/16 with a prayers seeking directions as against Respondent PIO for furnishing him the requested information as sought by him vide his application dated 29/9/16 and for invoking penal provision.
5. In pursuant to the notice the appellant was present along with Advocate Aatish Mandrekar. Respondent No. 1 PIO was represented by Advocate S.Naik.
6. 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 .
7. Since the Advocate for the Appellant submitted that the Civil case is pending before the Civil court at Margao and as such the inspection of the said file is required by him on priority basis .The Advocate for the respondent PIO Ms S. Naik also volunteered to give inspection of file bearing No. SGPDA/P/4743 containing the information. Accordingly the inspection was carried out by the appellant. and due information was furnished to appellant by the respondent PIO . on 19/06/2017. A compliance report bearing the acknowledgment of appellant was also placed on record by the Advocate for the respondent PIO.
8. 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.

9. On 19/6/17 the appellant was present alongwith his Advocate Atish Mandrekar it was submitted by the Advocate for appellant that due information have been received by his client as per requirement and his client satisfied with same and as such not pressing for invoking for penal provisions. Accordingly he endorsed his say on memo of appeal.
10. In view of submission and endorsement made by the Advocate for the appellant, nothing survives to be decided in the present appeal.

Appeal stands disposed accordingly .

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.

Pronounced in the open court.

Sd/-

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

