

**GOA STATE INFORMATION COMMISSION**

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

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**Shri Prashant S.P. Tendolkar,**  
**State Chief Information Commissioner,**  
**Appeal No.149/SCIC/2013**

Shri Pedrito Misquitta  
Souza Vadd,  
Candolim, Bardez-Goa .

Appellant.

V/s

- 1) The State Public Information Officer,  
Office of Dy. Town Plannaer,  
North Goa District Office,  
Government Building Complex,  
Mapusa, Bardez –Goa.
- 2) First Appellate Authority ,  
The Sr. Town Planner,  
Town & Country Planning Department,  
North Goa District,  
Mapusa, Bardez –Goa.

Respondent

Filed on:22/10/2013

Decided on: 31/10/2017

**1) FACTS:**

a) The appellant herein by his application, dated 08/02/2013 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under two points therein viz status on the appellant's letter, dated 01/07/2013 and copy of letter by which inspection was fixed.

b) The said application was replied on 08/03/2013 intimating appellant that said office has sent letter to V. P. Candolim on 28/07/2009 and to collect copy thereof on payment of Rs. 2/-.

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In said letter it was also mentioned that besides it no other information was available. Further correspondence also followed between appellant and PIO. According to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority(FAA).

c) The FAA by order, dated 04/07/2013, allowed the said appeal and interalia directed PIO to locate the file and furnish the information. In spite of reminder to PIO thereafter, the said information is not furnished.

d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 06/10/2017 had filed affidavit to substantiate his reply. The appellant filed his arguments in writing.

## **2) FINDINGS:**

a) I have perused the records and considered the submissions of the parties. The information herein as is sought u/s 6(1) vide application dated 08/02/2013 at (A) is the status on the letter dated 01/07/2009 addressed to the Town and Country Planning Department.

Another information which is sought is the copy of letter by which inspection was fixed and copy of report forwarded to Panchayat.

b) The PIO has offered a copy of letter, dated 28/09/2009 to Panchayat. This letter according to PIO is the status of the matter

reported by the said letter, dated 01/07/2009. Said letter is not placed in the file hence the contents thereof cannot be verified for considering the context thereof.

c) The information at point (B) of the said application dated 08/02/2013, is the copy of the letter vide which inspection was fixed and copy of report was forwarded to village Panchayat Candolim. It is informed by PIO that there is no other correspondence available to the office records.

d) From the above it is not clear whether the information as sought was at all generated in the office records. It is only if such information exist then the information can be dispensed.

e) In his written arguments the appellant has referred to and annexed several other correspondence viz a letter, dated 28/03/2013 as also one dated 30/09/2009, for the purpose of clarifying his requirement of information. Admittedly he has not filed said letter at the time of seeking information. Had it been relied, the same would have clarified appellant's requirements under the act.

f) Considering the ambiguity regarding the information sought and lack of clarity whether any information as is sought, at all exist, I am unable to issue any directions in this appeal as any such directions may be vague and unenforceable.

g) In the aforesaid circumstances I find it appropriate to dispose the above appeal with the following:

### **O R D E R**

The appeal is dismissed. However the appellant shall be entitled to seek the required information afresh by giving the

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reference of earlier correspondence including the one referred in his written arguments. On receipt of such application, PIO shall decide the same in accordance with the provisions of the Right to information Act 2005 and notwithstanding the fact that same information was earlier sought.

Notify the parties.

Proceedings closed.

Pronounced in open hearing.

Sd/-

**(Mr. Prashant S. P. Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa