

**GOA STATE INFORMATION COMMISSION**

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

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**Appeal No. 221/SCIC/2010**

**CORAM : Prashant S. P. Tendolkar**  
State Chief Information Commissioner

**Shri Budhaji D. Bhagat,**

Torsem, Naikwada,  
Pernem – Goa.

..... **Appellant**

**V/s**

**Public Information officer**

Village Panchayat Torsem,  
Torsem, Pernem – Goa.

..... **Respondent**

**Filed on : 28/09/2010**

**Disposed on : 19/04/2017**

**1) FACTS:**

- a) The Appellant herein by his first application, dated 21/04/2010 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent PIO under several points therein.
- b) The said application was replied on 18/05/2016. Based on the said reply the Appellant sought certain further information by his another application u/s 6(1) of the Act dated 25/06/2010. However according to Appellant the information as sought was not fully furnished and hence the Appellant filed first appeal to the First Appellate Authority (FAA).
- c) The First Appellate Authority (FAA) by order, dated 20/09/2010, allowed the said appeal and directed PIO to furnish the information at points 1 and 2 of the said application dated 25/06/2010, inspite of which the same was 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 Appellant

appeared along with his advocate. PIO on 24/08/2012 had filed reply to the appeal. Thereafter PIO remained absent though served afresh. In view of absence of PIO, arguments on behalf of Appellant were heard.

- f) In the say filed by the PIO on 24/08/2012, it is his contention inter alia that the document viz. said deed as is stated to have been filed before the panchayat does not in fact exist. According to him the then PIO has given a false information to the Appellant regarding the said document.

Regarding the date of registration of said house no.40 with the panchayat, the present PIO is silent as there is no reference to the same in reply.

- g) The matter being old and inspite of notice to PIO he failed to appear to substantiate the plea taken by him in reply and hence I am proceeding to decide the matter based on the records.

## **2) FINDINGS :**

- a) Perused the records and considered the arguments advanced on behalf of the Appellant. Though there are two applications involved in the present appeal, the controversy involved herein involves only the application filed on 25/06/2010. The advocate for the appellant in the course of arguments and also as per the memo of appeal, the requirements of the appellant are only at points (1) and (2) of the application, dated 25/6/2010 and hence I am dealing only with the said requirements.
- b) Regarding point (1) of the application, dated 25/6/2010, the information required was regarding registration of house no. 40 and not the period of residence. what is answered by PIO is the period of residence and not the date of registration of the house where the subject person is staying.
- c) I have perused the points (2). It required information on two

parts. Firstly the name / nature of the document furnished and secondly the copy of such documents.

- d) In the first appeal, the PIO was directed to furnish the information at point (1) and (2). The grievance of Appellant is that it is not furnished to him instead.
- e) As per the reply of the PIO, dated 21/7/2010 to point no.2 of the said application u/s 6(1),dated 25/6/2010, it is submitted by PIO that the subject person had submitted "the sale deed copy of purchase of house". Copy of such document was sought by the appellant. This being the situation the appellant is entitled to the said copy.
- f) In his reply the PIO has submitted that the said information was false but has not substantiated the same by any further submissions. There are also no records filed to show that any proceedings are initiated by the authority for giving false information. There are also no arguments advanced on behalf of PIO to point out if any of the information is coming under exceptions as contained section (8) and/or (9) of the Act. Hence I find that the information as sought at point (1) and (2) is required to be dispensed.
- g) Adv. Joshi, representing the Appellant submitted that the then PIO has retired in 2012. In this situation the prayer for penalty and/or recommendation of disciplinary proceedings are unwarranted.
- h) In the above circumstances I proceed to dispose the above appeal with following.

### **ORDER**

The appeal is allowed. The present PIO of Village Panchayat, Torsem, Pernem Goa is hereby directed to furnish to the Appellant , the following information:

- a) The date on which the said house no. 40 is recorded in the name of Shri Hirappa Jyoti in panchayat records.
- b) The copy of "the sale deed copy of purchase of house" filed by said Hirappa Jyoti for registering the said house in his name,

**WITHIN SEVEN DAYS** from the date of receipt of the copy of this order by him and produce the acknowledgement from Appellant before this Commission, within seven days thereafter.

Rest of the prayers in the appeal are rejected.

Pronounced in open proceedings.

Appeal disposed accordingly.

Notify parties.

**Sd/-**

**(Prashant S. P. Tendolkar)**

State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa