

**GOA STATE INFORMATION COMMISSION**

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

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**Shri Prashant S. P. Tendolkar**  
Chief Information Commissioner

**Appeal No. 79/SCIC/2017**

Adv. Pranita Gawandi,  
Major in age, self employed,  
Having office at AF 2,  
First Floor,  
Casa Immaculada Building,  
Near Progress High School,  
Jose Falcao Road, Panaji, Goa ..... Appellant.

V/s

1) The Public Information Officer,  
North Goa Planning and  
development Authority,  
Having Office at 1<sup>st</sup> Floor,  
Archdiocese Building,  
Mala Link Road, Mala,  
Panaji, Goa.

2) The First Appellate Authority,  
North Goa Planning and  
development Authority,  
Panaji, Goa. . . . . Respondents.

**Filed on :20/6/2017**  
**Disposed on:26/10/2017**

**1. FACTS:**

**a)** The appellant herein by her application, dated 2/3/2017, filed u/s 6(1) of The Right to Information Act 2005 (Act) sought certain information from the Respondent No.1, PIO under three points therein.

**b)** The said application was replied on 6/4/2017 by the PIO refusing to furnish the information under section 7(9) of the act. It is also according to appellant that the information as sought was not furnished and also not responded within time and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

**c)** In spite of laps of a period of 30 days the FAA did not decide the same and hence the appellant has filed this appeal u/s 19(3) of the act.

**d)** Notices were issued to the parties, pursuant to which they appeared. The PIO on 28/9/2017 filed his reply to the appeal. The same was countered by the appellant on 9/10/2017. Adv. Pronoy Kamat argued on behalf of the appellant. The PIO personally argued his matter.

**e)** It is the contention of appellant that the information which is sought is from a public authority and are public records which are not exempted from disclosure. The grounds for refusal of the information are baseless and not applicable in the present case. According to him the information is available in the same form as it is existing and hence the same is required to be dispensed under the act.

**f)** In his submissions the PIO submitted that the appellant has sought the information pertaining to one subject and for specific year whereas the records are maintained by the authority for all the works in common books. It is his submission that the appellant has sought the information in the form of copies pertaining to records in relation to ODP, Calangute,

Candolim 2025. He submitted that the authority is maintaining the records continuously pertaining to several years and any efforts to filter out the records pertaining to ODP 2025 only would divert the resources by deviating the staff from undertaking the regular work. Thus according to him the information was rightly rejected under section 7(9) of the act.

**2) FINDINGS:**

a) I have perused the records and considered the submissions of the parties. In refusing the information it is the submission of the PIO that the appellant has sought the information in the form of copies pertaining to records in relation to ODP, Calangute, Candolim 2025 and that the authority is maintaining the records continuously pertaining to several years in a common book. A perusal of the application reveals that though the subject matter of the information was relating to ODP 2025, what was sought at points (I) and (II) were the copies of the inward and outward register from 1/01/2016 to 01/03/2017 and copy of the orders for construction/reconstruction etc from 01/05/2016 till 01/03/2017 in Calangute, Candolim, Baga, Arpora area. Thus at point (i) what is sought is the entire entries in the register for specific period and at (ii) all the copies of permissions and orders issued during specific period for mentioned villages. The register being common the same could have been furnished, as it is, and as the licenses and permissions are recorded independently in

the registers the same could have been also furnished as are maintained or issued.

**b)** Coming to point (iii) of the application, what is sought by the appellant are the copies of the minutes of the meetings held from 1/01/2016 till 03/03/2017 pertaining to ODP 2025.

**c)** Section 7(9) of the act reads that the information as sought shall be provided in the form in which it is sought unless it would disproportionately divert the resources. The PIO has not pointed out as to in what form the minutes of the meeting are recorded i.e. whether any separate minutes are recorded for respective ODPs or not. In case such minutes are recorded for respective ODPs then the minutes for the concerned period i.e. from 01/01/2016 to 03/03/2017 relating to ODP Calangute, Candolim could have been furnished. In case the minutes are common for all ODPS then the PIO could have furnished the copies only of the minutes pertaining to ODP 2025 of calangute, Candolim. Such an exercise can be done by taking Xerox copy of the concerned pages of such common register and taking copies of part of the common books/registers would not disproportionately divert the resources as is contended by the PIO as it could have been charged to appellant.

**d)** Considering the above position I find no force in the submission of the PIO that furnishing of the information as sought by the appellant would have diverted the resources or would be detrimental to the safety and preservation of the records.

e) The PIO in its reply also tried to cover up the delay on the part of the FAA in disposing the first appeal. I fail to understand as to how the PIO, whose action is challenged in said appeal, can vouch for the inaction of this appellate authority which has resulted in supporting the response of PIO. Infact the FAA having been notified by this commission was duty bound to file its say, if any, in explaining the delay in disposing the first appeal. I am therefore unable to accept the version of the PIO supporting the delay in disposing of the first appeal by FAA.

f) In the aforesaid circumstances I find no substance in the grounds raised by PIO in rejecting the information. As the application of appellant filed u/s 6(1) was not disposed within time as stipulated u/s 7(1) of the act, by implication of section 7(6), the appellant is entitled to have the information as sought by her free of cost. In view of my above findings, I dispose this appeal with the following:

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

The appeal is allowed. The PIO is hereby ordered to furnish to the appellant the entire information as sought by her at points I, II, III of her application dated 02/03/2017, free of cost within 10 days from the date of receipt of this order.

Parties be notified.

Pronounce in the open hearing

Proceeding closed.

Sd/-

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