GOA STATE INFORMATION COMMISSION

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

Shri Prashant S.P. Tendolkar, State Chief Information Commissioner

Appeal No. 93/SCIC/2016

Shri Vinod V. Kundaiker,
H. NO.188, Behind Hema Apartment,
Margao Borda-Goa. ….. Appellant

V/s

1) The State Public Information Officer,
Member Secretary,
SGPDA, Osia Complex, 4th floor,
Margao-Goa.
2) The First Appellate Authority,
The Chairman,
SGPDA, Osia Complex, 4th floor,
Margao-Goa. ….. Respondents.

Filed on :17/5/2016
Disposed on:3/8/2017

1) FACTS:

a) The appellant herein by his application, dated 11/2/2016 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under four points therein.

b) The said application was replied on 3/3/2016, intimating the appellant that the information at point No.4 is available and the cost thereof is Rs.216/- and to deposit the same and collect the same thereafter. Regarding the information at points 1 to 3, it was informed by PIO that the said information was not available in the file. However according to appellant the information, as sought, was denied and hence the appellant filed first appeal to the respondent No.2 on 9/3/2016, being the First Appellate Authority (FAA).

…2/-

c) The First Appellate Authority (FAA) disposed the said appeal by order, dated 26/4/2016 holding that the information is satisfactory.

d) Being aggrieved by the said order, the appellant has 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 the PIO alongwith the advocate appeared. Appellant failed to remain present inspite of notice. The PIO on 25/5/2017 filed affidavit in reply to the appeal. On 19/6/17 the PIO filed a memo submitting that as per para (5) of the affidavit in reply the revised plans were furnished.

f) The appellant remained absent all through out the proceedings inspite of notice and several opportunities granted to him. In view of the continuous absence of appellant submissions of the PIO were heard. The advocate for PIO submitted that her written reply be treated as her submissions in the appeal.

2. FINDINGS:

a) I have perused the records and considered the submissions of PIO. I also perused the Affidavit in reply filed by the PIO. According to him vide para 6 of the affidavit which is in reference to point No.1, 2 and 3 of the application, there was no action taken by the authority and therefore the question was presumptuous and hence the PIO has rightly informed the appellant that there was no such trace in the records. In other words according to him no action was taken on the letter dated 05/02/2015 issued by the respondent authority and as such no records exist. Being so the requirement of the appellant were appropriately answered by the PIO.

…3/-

b) Coming to point (4), I find that the appellant has requested for certified copies of the revised plan submitted after observation. The PIO by said reply dated 03/03/2016 has offered to furnish the same to appellant and to collect the same on payment of Rs.216/- as the fees. Thus the PIO has offered the information at point No.4 subject to payment of fees. There is nothing on record of the file suggesting that the fees are paid and that the information was refused even on payment of said fees. In the circumstances it cannot be held that the inflammation was refused or rejected.

c) I have perused the order of the First Appellate Authority (FAA). I find no illegality or irregularity in the said order as the finding given therein are based well reasoned and as per the records. In the above circumstances I find no merits in the appeal and hence I proceed to dispose the same with the following :

O R D E R

The appeal is dismissed. However, the appellant is entitled to receive from the PIO the information at Sr.No.4 of his application dated 11/02/2016, in the form of certified Xerox /photo copy on payment of the fees as per letter of PIO dated 03/3/2016. The appellant shall pay the amount within 10 days from the date of receipt of this order by him.

Proceeding closed.

Notify the parties.

Pronounced in open proceedings.

Sd/-
(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa