

GOA STATE INFORMATION COMMISSION

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

Appeal No.96/SCIC/2016

Madonna Almeida,
H.No.257/1. 3rd ward, Bagdem,
Colva Salcete Goa.

... Appellant.

V/s

1) The Public Information Officer,
South Goa Planning Development Authority,
Osia Complex Arcade, 3rd fl.,
Margao-Goa.

2) The First Appellate Authority,
The Chairman South Goa Planning Dev. Authority,
Osia Complex Arcade, 3rd fl.,
Margao-Goa.

... Respondents.

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

Filed on: 20/05/2016

Disposed on: 15/06/2017

1) FACTS:

a) The appellant herein by his application, dated 22/02/2016 filed u/s 6(1) of the Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under several points therein.

b) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No.2 being the First Appellate Authority on 13/04/2016.

c) The First Appellate Authority (FAA) failed to hear and dispose the said appeal within time stipulated under the act.

d) The appellant has therefore landed before this Commission in this second appeal u/s 19(3) of the act.2

e) Notices were issued to the parties. The appellant appeared on 24/03/2017. The PIO and the FAA were served. Adv. S. Parab on

...2/-

17/04/2017 appeared on behalf of PIO and undertook to file wakaltnama and sought time to file reply on behalf of PIO. The matter was adjourned to 28/04/2017 as last opportunity to file reply by PIO. In spite of the said opportunity no reply was filed on 28/04/2017 hence arguments on behalf of appellant were heard and adjourned to 29/05/2017 for orders.

After the matter was adjourned Adv. S. Parab appeared and requested for time. At her request orders were differed to enable her to file reply. Again on 29/05/2017 when the matter was called, neither the PIO nor his advocate appeared nor any reply was filed. Hence, matter was adjourned for order. After the matter was adjourned Advocate for PIO appeared and noted the date.

f) The PIO and the FAA thus in spite of giving opportunity failed to file any say in the matter. It thus appear that they have no say to be filed to the appeal.

2) FINDINGS

a) I have perused the records, more particularly, the application, dated 22/02/2016, filed u/s 6(1) of the act. By said application the appellant has sought information in form of certified copies of the approval, completion orders and technical approval as also the notings of concerned file alongwith the notings pertaining to the technical clearance granted vide No.SGPDA/P/5358/2441/14-15 dated 18/12/2014.

The PIO has not responded to the said application within a period of thirty days, which has expired on 23/03/2016. The PIO has no explanation to his action of not responding the same either to appellant or to this Commission.

b) Even the FAA, to whom the first appeal was filed has not responded to the said appeal.

c) Considering the nature of information sought I find that the same is required to be furnished to the appellant. Had it been furnished in time by the PIO, the authority could have charged the fees from the appellant. By non responding to the application of the appellant in time the PIO has caused loss of revenue and drain on public exchequer. The

said information as sought has to be furnished now free of cost in terms of section 7(6) of the Act.

d) Considering the above, conduct of the PIO and the FAA, which are the officers for dispensing the information under the Act I find that the same is contrary to the requirements under the act. Neither the PIO nor the FAA has any concern to the application filed by citizen under the act. Such practice of the SGPDA through its officers designated under the act does not conform with the provisions or spirit of this act. Hence such act on the part of the official designated under the act is deplorable. Commission in no way can subscribe to such inaction of the Authorities.

e) In the background of the conduct of the PIO in not responding to the appellant's application in time, he is liable to be penalized as provided u/s 20(1) and/or 20(2) of the act. Hence I find it appropriate to call from him the explanation before imposing such penalty.

f) In the facts and circumstances of the case I proceed to dispose the present appeal with the following:

O R D E R

The PIO, South Goa Planning and Development Authority, Margao, Goa is hereby directed to furnish to the appellant, free of cost, the entire information as sought by her vide her application, dated 22/02/2016, within, TEN DAYS, from the date of receipt of this order by him.

PIO is further directed to show cause as to why Penalty as provided under sections 20(1) and/or 20(2) of the Right to Information Act 2005, should not be imposed/recommended against him. The reply to this notice to be filed by PIO on 11/07/2017 at 10.30 am.

Appeal disposed accordingly.

Notify parties.

Announced in open proceedings.

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