

GOA STATE INFORMATION COMMISSION

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

Complaint No. 57/SCIC/2016

Shri Damodar V. Prabhu,
C/o Shri Sanket P. Prabhu,
Shop No. 4, Mitasu Marvel, Upper Bazar,
Ponda-Goa. Complainant

V/s

- 1) Public Information Officer,
Executive Engineer Work Div III,
PHE/PWD,
St. Inez, Panaji –Goa.
- 2) First Appellate Authority,
Asst. PIO, Asst. Engineer IV, III(P),
Daag, Ponda –Goa.
- 3) Principal Chief Executive Engineer,
Additional Secretary Government of Goa,
Altinho Panaji –Goa. Opponent.

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

Filed on: 26/12/2016

Disposed on : 08/06/2016

1) **FACTS:**

a) The complainant herein by his application, dated 08/08/2016 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 replied on 02/09/2016. However according to complainant the information as sought was not furnished and hence the complainant filed first appeal to the

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First Appellate Authority (FAA) However according to complainant the FAA has not decided the said appeal.

c) The complainant has therefore landed before this commission by way of complaint u/s 18 of the act.

d) Notices were issued to the parties, pursuant to which PIO appeared. The PIO on 23/02/2017 had filed a reply to the complaint. The complainant remained absent inspite of service. In view of the absence of complainant, the submissions of PIO was heard and dealt with as per the records.

2) **FINDINGS:**

a) I have perused the complaint filed by the complainant. In the said complaint, the complainant has a grievance against PIO in respect of the reply contained in its letter, dated 01/12/2016.

If one peruses the said letter dated 01/12/2016, the same refers to a letter dated 20/10/2016 received by post on 03/11/2016. However no copy of such letter, dated 20/10/2016, is found on record.

b) The complainant has filed on record, letter dated 08/08/2016, purportedly filed u/s 6(1) of the act. If one considers the said application, the complainant has not dealt with same as to how the same is replied by PIO.

c) As per the first appeal, dated 16/09/2016, copy of which is enclosed by complainant to the present complaint, the PIO has replied the said application on 02/09/2016. This reply if any has not been filed by complainant. Thus in the absence of said reply, the veracity of the contentions of complainant cannot be verified.

d) The complainant has filed on record a copy of letter, dated 01/12/2016 being a reply from PIO. As per the reference in said letter it is a reply to a letter , dated 20/10/2016 of the complainant.

e) In the reply filed by PIO before this Commission, he has relied upon and annexed a copy of the reply, dated 31/08/2016, wherein the complainant is informed that a portion of six meters width is acquired from Survey No.353/2, and that the compensation at Rs.3/- per square metre and Rs. 5/- are payable for village Borim. It is also informed that the name of PWD is not entered in Survey records.

f) Considering the above, answer it is found that the PIO has responded to the application u/s 6(1) as per the records available.

g) On going through the application dated 08/08/2016, which is the only application u/s 6(1) of the act, it is seen that the same is not clear as to which land acquisition proceedings the records pertain to or the exact year wherein the acquisition was conducted. Hence I find force in the submissions of the PIO that the application is vague.

h) In any case, this proceedings being a complaint no orders as to furnishing of information can be considered. The only issue that would arise for my consideration is whether there is any delay in furnishing information and whether such delay is intentional and deliberate.

i) In this proceedings as per the reply filed by PIO and the annexure contained to it, it is seen that the application

u/s 6(1) dated 08/08/2016 was responded on 02/09/2016 after seeking the details from APIO. With reference to points(i) and (v) no information was furnished as it was not available. I find no illegality or malafides in these replies. The PIO has to dispense the existing information and cannot create information for being dispensed with.

j) In the aforesaid circumstances, considering the lack of details in the application, and that the possible information is already furnished, I am not inclined to invoke any penal provisions. However, the complainant can be assisted by providing further information, if any further application is made by giving the further details of the proceedings, pertaining to which it is sought.

k) In the facts and circumstances, I proceed to dispose the present complaint with the following:

ORDER

The Complaint is dismissed. The notice 13/02/2017 issued by this Commission to PIO stands withdrawn. Proceedings closed. The Right of the complainant to seeks any further information are kept open.

Notify the parties.

Pronounced in open proceedings.

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

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V/s

- 1) Public Information Officer,
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CORRIGENDUM

Dated:04/09/2017

On going through the order dated 08/06/2016 it is found that some errors which has occurred therein which are required to be rectified. Hence, the order dated 08/06/2016 shall be stand rectified as below:

- (i) Opponent No.2 be read as **"The Assistant PIO and Assistant Engineer, IV Div.II (P), Dag Ponda Goa"**, instead of First Appellate Authority, The Assistant PIO and Assistant Engineer, IV Div.II (P), Dag Ponda Goa.
- (ii) The date of disposal of the complaint shall be read as **"08/06/2017"** instead of "08/06/2016".

This corrigendum shall be read alongwith the original order, 08/06/2016 and shall form a part of the same.

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

