

GOA STATE INFORMATION COMMISSION

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

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

Complaint No.436/SIC/2010

Shri Uday A. C. Priolkar,
R/o. H. No.C5/55,
Mala, Panaji –Goa.

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Complainant

V/s

The State Public Information Officer/
Commissioner of Corporation of the city of Panaji. Opponent

Date: 04/05/2016

ORDER

1) This Commission, while disposing the above complaint, by order dated 29/11/2011, has directed the Complainant to prove that the information furnished is false, misleading etc.

2) Accordingly the complainant filed his affidavit, dated 08/04/2016 on 11/04/2016. As per his said affidavit, as per the report of Architect Shri S.M. Bhobe, the sewage pipeline laid down falls in chalta No.138 and strip of it, above 1 to 1.5 mts width, falls in chalta No. 138 on its western side and has caused waste of land.

Further as per the said affidavit this Commission has directed to prove as to under which chalta No. and P.T. sheet of retaining wall the sewage pipeline falls as per his letter, dated 05/02/2016, the pipeline falls in chalta No.136 of PT sheet No.74 but as per letter dated 10/02/2016 and on physical verification sewage line falls under chalta No.138 of P.T sheet No.74.

...2/-

According to him respondent furnished false information while NOC dated 02/04/2009 is stated to been issued, no NOC was issued to PWD S.D. II for sewage pipe line.

3) The complainant was cross examined. In his reply to question by PIO he admitted that as per reply to his application under section 6(1) , he was informed that no NOC was issued to AE to lay pipeline. To the suggestion that no NOC was issued by corporation as was sought by him under point NO.4 of his applications under section 6(1) of the act. Complainant has admitted the same that no such NOC was issued. No further witness was examined by complainant.

4) Then PIO Shri Melvin Vaz did not lead any inquiry in rebuttal.

5) I have perused the application under section 6(1) filed by the complainant, dated 12/03/2009. At point (4) therein the complainant wanted to know whether any permission is granted to AE to lay sewage pipeline. The same is replied by PIO that no such NOC is issued. The fact that no such NOC is issued is admitted by the complainant in his cross examination in the question posed by the Commission. Thus I find that there is no falsity in the information furnished.

6) The complainant in his arguments submitted that though no NOC was issued and as is rightly informed by PIO, the Municipal Engineer of same Municipality, Shri V. Parsekar by his letter, dated 21/07/2009 has informed complainant that Municipal Corporation has issued NOC. It is because of this information by Municipal Engineer that the complainant has contended that the information furnished is false misleading etc.

7) The Right to information Act 2005 casts, the responsibility of furnishing information on the PIO. In case falsity in information furnished by PIO is found, the same is liable for penalty under section 20 of the act. Said section 20 does not provide any penalty on any other officer of the public Authority.

8) In the present case the information sought from PIO is appropriately replied by him that no NOC is issued. This fact of non issuance of NOC is also admitted by Complainant. Hence there is no falsity is information furnished by PIO nor laps or violation on the part of PIO of any of the provisions of the said Act.

9) Municipal Engineer of the authority is not an officer designated under the act for imparting information. Hence any information/reply by such officer cannot lead to any compliance or violation of the act. Such officers, though are the officers of same public authority are strangers under the act and commission cannot take cognizance of any Commissions or omissions of such strangers.

10) Considering the above situation, I find no strength in the contention of complainant. Consequently this Commission cannot invoke any of the powers conferred in it under section 20 of the act. Hence I find no reason to impose any penalty. In the result the complaint is dismissed. Proceedings closed.

Parties to be notified.

Pronounced in open proceedings.

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

Complaint No.436/SIC/2010

Goa State Information Commission,
Kamat Towers, 7th floor, Patto,
Panaji –Goa.

Dated:11/05/2017.

To,

1) Shri Uday A. C. Priolkar,
R/o. H. No.C5/55,
Mala, Panaji –Goa.

2) The State Public Information Officer/
Commissioner of Corporation of the City of Panaji.

**Sub: Correction of date in Order passed in
ComplaintNo.436/SIC/2010.**

Sir,

On going through the order dated 04/05/2016 passed by this Commission in the above complaint it is found that the date of said order at page (1) is wrongly typed as "04/05/2016", which should be read as "**04/05/2017**". You are, therefore, requested to take note the above correction.

Yours faithfully,

(Dasharath M. Redkar)
Under Secretary cum Registrar
Goa State Information Commission