

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji – Goa.

Shri Prashant S.P. Tendolkar,

State Chief Information Commissioner

Appeal NO.39/2018

Namdev G. Shetgaonkar,
H. NO.98, Near Cozy Hotel,
Headland Sada,
Vasco da Gama.
Goa -403804.

..... Appellant.

V/s

- 1) The Mamlatdar /PIO,
Pernem Taluka,
Pernem-Goa 403512.
- 2) The Dy. Collector/FAA,
Pernem Taluka,
Pernem –Goa 403512.

..... Respondents.

FILED ON:08/02/2018

DECIDED ON: 03/07/2018

O R D E R

- 1) Today when the matter was called the appellant was present. PIO remained absent till rising of the court. No adjournment was sought by the PIO. As the matter was posted for arguments the arguments of the appellant were heard.
- 2) According to the appellant, by his application, dated 07/01/2016 he has sought the records pertaining to mutation case No. 21064 of village Morjim, Pernem. As the information pertaining to said application was furnished without any serial number of the pages, he filed another

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application dated 14/09/2017 seeking the reason for not numbering the documents provided to him. Said letter dated 14/09/2017 was responded by the PIO on 03/10/2017 informing that the same does not come under the purview of RTI Act. The first appeal filed against the response of the PIO dated 3/10/2017 was dismissed and hence the appellant has approach this commission in 2nd appeal.

- 3) On going through the records and considering the requirement of the appellant and based on the submissions of PIO on the earlier date of hearing that the file was numbered subsequently he was directed to file on record of this commission a copy of said mutation case file No.21064 containing all the paper/records duly numbered. Accordingly PIO, Shri Sawant on 13/06/2018 filed on record of this commission the Xerox copy of the concern file number MUT-21064. Today the said file was given for inspection of the appellant and the appellant after going through the same confirmed that it is the same file and that it was the same information which he has sought for by his application dated 07/01/2016.
- 4) He further submitted that the said records contained in the said file would suffice his requirement of information. The appellant further submitted as he was furnished misleading information in response to his application, dated 7/01/2016 the PIO should be punished as per the provision of the act.
- 5) Commission has considered the records and provisions of the act. The appellant has approached this commission by referring to his application, dated 14/09/2017. The said application is seeking the reason for non numbering of the document provided to him. The PIO has appropriately dealt

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with the same on the ground that the same is beyond the scope of the act. Even the First Appellate authority has dealt with the same and commission finds no reason to interfere with the said order. Though it is the grievance of the appellant that to his application dated 07/01/2016 the documents furnished were without numbers, he has not approached the FAA or this commission in respect of the said application and the consideration before this commission in this appeal is the application dated 14/09/2017. Being so commission finds no ground to invoke power under section 20(1) and /or 20(2) of the act against the PIO involved in his application dated 14/09/2017.

- 6) Considering the above situation commission finds it appropriate that the records pertaining to file No. MUT-21064 as filed by the PIO Shri Eshant Sawant before this commission in this appeal on 13/06/2018, is handed over to the appellant as his requirement of information. Rest of the prayers cannot be granted.
- 7) Needless to say that the appellant shall be entitled to seek further information if required based on the records furnished to him.
- 8) Appeal disposed accordingly. Notify the parties.
Pronounce in the open proceeding.

Sd/-

(Shri. Prashant S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji –Goa