

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 236/2017

Shri Ivan Francis Fernandes,
S/o Luis Antonio Fernandes,
H.No. 37/1,Vaddem, Socorro,
Bardez Goa.

.....Appellant.

V/s.

1. The First Appellate Authority,
Chairman, North Goa Planning and
Development Authority,
Archdiocese Building,
1st floor, Mala Link Road ,
Panaji, Goa.

2. Public Information Officer,
North Goa Planning and
Development Authority,
Archdiocese Building,
1st floor, Mala Link Road ,
Panaji, Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 27/12/2017

Decided on: 01/03/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Ivan Francis Fernandes by his application, dated 2/5/2017, filed u/s 6(1) of The Right to Information Act, 2005 sought certified copies of the documents pertaining to file No. PPDA/PIO/DEV/ 43/1107/03 along with all the notings and also the copy of the transfer register showing the transfer of the above files. The said information was sought from the PIO of NGPDA Panajim, Goa .
2. The said application was responded by Respondent No.2 PIO herein on 25/5/2017 interalia informing the information at point No.

1 is not available in their office records and that the file transfer register does not show the transfer of above file.

3. Being not satisfied with the reply of the Respondent No. 2 PIO, the appellant preferred first appeal on 8/6/2017, and the Respondent No. 1 by an order dated 28/10/17 disposed the said appeal with the direction to PIO to get the file from the TCP Department of Mapusa Office and then to give inspection of the said file to the appellant and to provide the required documents to the appellant.
4. It is the contention of the appellant that despite of said directions by the Respondent No. 1 First appellate authority no inspection neither the documents were provided to him, as such being aggrieved by the action of Respondent No. 2 PIO he approached this commission on 27/1/2017 by way of second appeal filed u/s 19(3) of the RTI Act, there by seeking direction to the PIO for providing him information and for involving penal provisions against Respondent No. 2 PIO.
5. In pursuant to the notice of this commission, the appellant was present alongwith Advocate Gajendra Usgaonkar. Respondent No. 2 PIO Shri R.K.Pandita was present alongwith Advocate Saily Bandodkar. Reply filed by Respondent No. 2 on 1/3/2018 alongwith the enclosures. The copy of the same was furnished to the Appellant.
6. It is the contention of the appellant that order passed by the Respondent No. First Appellate Authority is bad in law and that Respondent No. 1 wants to shield the Comunidade of Serula. It is his further contention that the submission made by the PIO that the file is in the office of Chief Town Planer is not proper as the transfer register does not mention that the said file is transferred by the said department to the said authority.

7. It is the contention of the respondent that they found one letter dated 17/2/2006 in their office records wherein it was informed to Senior Town Planner, Mapusa that the file number PPDA/POR/DEV/43/1107/03 is with Chief Town Planner. It is further contended that vide letter dated 19/1/2018 and 19/2/2018 addressed to Chief Town Planner, they had requested the said authority to transfer the said file to them in order to furnish the information to the Appellant, however till date no such reply has been received from the office of Chief Town Planner neither the file received back from the Chief Town Planner. Respondent contended that the said information cannot be provided as they are not holding the said information and the said information in the custody of the office of the Chief Town Planner. Respondent further contended that there is a PIO appointed in the office of the Chief Town Planner and he will be in the better provision to provide the information.
8. The appellant also did not object for the transfer of his application dated 2/5/2017 to the PIO of the office of Chief Town Planner. However he submitted that the PIO has merely produce on record the letter dated 17/2/2006 addressed to Senior Town Planner without enclosing the extract of outward registered and the mode by which it was sent to the Senior Town Planner. The appellant further contended that since the jurisdiction of the said area is vested with the Senior Town Planner, Mapusa, the application also may be forwarded to the PIO of the office of Senior Town Planner, Town and Country Planning Department at Mapusa Goa.
9. Since the information is not available with the Respondent No. 2 PIO the same cannot be ordered to be provided/furnished.
10. In the above given circumstances I feel the ends of justice will meet with the following order.

ORDER

1. The Respondent No. 2 PIO is hereby directed to transfer the application of the appellant dated 2/5/2017 to the PIO of the office of Chief Town Planner (Planning), Town and country Planning Department, Panajim Goa and also to the PIO of the office of Senior Town Planner , District level office at Mapusa Goa in terms of section 6(3) of the RTI Act, 2005.
2. The Respondent No. 2 PIO is hereby directed to provide the copy of the extract of outward register by which the letter dated 17/2/2006 was dispatched to the office of Senior Town Planner at Mapusa, within 15 days from the receipt of this order.

With the above direction the appeal proceedings stands closed.

Appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Ak/-