

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 83/2018/SIC-I

Nevil Furtado,
House No. 51, Copelwaddo,
Sernabatim, Salcete Goa.
V/s.

.....Appellant.

1. Public Information Officer
O/o the Additional Collector-II(Rev)
Salcete Goa.

2. The First Appellate Authority,
O/o The Collector, South Goa,
Margao Salcete Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 11/04/2018

Decided on:18/5/2018

ORDER

1. The appellant, Nevil Furtado submitted an application on 23/11/2017 under Right to Information Act, 2005 seeking suo moto inspection of land conversion file maintained by the Department in the name of East India Hotel limited, survey No. 122/7 in the village of Cavelossim, Salcete-Goa, from the PIO of the office of Collectorate, south Goa at Margao.
2. The said application was received by the Respondent herein i.e collector of south Goa Margao on 24/11/2017 and the said was responded by respondent PIO on 7/12/2017, thereby calling upon appellant to visit the office for the purpose of inspection of records and purpose of identifying the documents available in records. However according to the appellant, he received the said letter only on 12/12/2017 .
3. It is contention of the appellant in pursuant to the said letter of PIO, he inspected the file/records and filed an application dated 21/12/2017 pointing out the documents required by him.

4. According to the appellant he received another letter dated 19/1/2018 in response to his application dated 21/12/2017 thereby calling upon him to deposit Rs. 117/- toward certified copies and photo copies of the documents without a plan . vide said letter also he was called upon to clarify point No. 3 and 8.
5. According to the appellant he received the above letter on 30/1/2018 . It is contention of appellant that the postal receipt pasted on the envelope shows that the same was registered on 27/1/2018 as such it is his contention that reply to his application dated 21/12/2017 was sent beyond the time limit of 30 days and is contrary to the provisions of RTI Act 2005.
6. According to the appellant, he had sought a copy of sanad dated 18/7/2017 alongwith the plan issued by the collector, south Goa District at Margao and the plan was denied to him by the PIO vide letter dated 19/1/2018.
7. It is contention of appellant that he was aggrieved by the letter dated 19/1/2018 of the respondent PIO as such he preferred first appeal before the Respondent No. 2 on 12/2/2018.
8. According to the appellant the order was passed on 28/2/2018 by the first appellate authority directing the PIO for furnishing him the information, as requested by him by his application dated 21/12/2017. However he despite of visiting the said office for collecting the same the concerned officer Shri Nitin Desai handling the said file refused to furnish him the information which was ready as such he made letter to PIO dated 2/4/2018 bringing to his notice the said fact.
9. Since no information came to be furnished to him the appellant has approached this commission by way of this present appeal on 11/4/2018, thereby seeking direction as against respondent PIO for furnishing him the information as sought by him vide letter dated 21/12/2017 and for invoking penal provisions .

10. In pursuant to notices of this commission Appellant as well as representative of Respondent No. 2 Shri Siddarth Konse appeared during only one hearing and then they opted to remain absent.
11. Respondent No. 1 the PIO despite of due service of notice opted to remain absent.
12. No reply came to be filed by both the Respondent as such I hold that they have no say to be offered and the contents of memo appeal are not disputed by them.
13. On account of absence of all the parties this commission had no any other option then to decide the matter based on the available records.
14. It is seen that the reply dated 19/1/2018 bears the out ward No. COLL/RTI/CONV-CELL/2018/927. The same was verified with the Xerox copy of the envelopes relied by the appellant and it is seen that there is endorsement of posting the same on 27/1/2018, as such I find truth in the contention of the appellant that the application was not responded with in stipulated time by the PIO.
15. There is nothing placed on record by the PIO that the order of the first appellate authority was complied by him .
16. From the records it is seen that the appellant has identified the documents from file No. COL/SG/CONV/ 72/12 after the inspection was carried out by him as such what is sought by appellant are available in the records of the public authority and as such he is entitle to receive the same. However even after the order of First appellate authority, till date since the information is not furnished the appellant is entitled to get it free.
17. If the correct information was furnished to the appellant in inception itself he would saved his valuable time and hardship caused to him, in pursuing his application before different authorities including this commission.

18. Public authority must introspect that non furnishing of the correct or incomplete information lands the citizen before first appellate authority and also before this commission, resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible. The conduct on part of PIO herein is condemnable.
19. As there is nothing on record to show that such lapses on the part of PIO are persistent, a lenient view is taken in the matter and the PIO is hereby directed to be vigilant hence forth while dealing with the RTI matters .
20. In the above given circumstance the following order is passed.

Order

The respondent No. 1 PIO is hereby directed to furnish correct and complete information to the appellant as sought by him vide his application dated 21/12/2017, free of cost, within 15 days from the receipt of the order.

With the above directions, the 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