

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

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**Appeal No. 90/2018/SIC-I**

Ligorio Barrato,  
H/2 Souza Enclave,  
Opp Osia Complex,  
Margao, 403 602

..... Appellant

V/s

1. Public Information Officer (PIO),  
South Goa Planning and Development Authority (SGPDA),  
4<sup>th</sup> Floor, D-wing, Osia Arcade,  
Margao-Goa- 403 602
2. First Appellate Authority (FAA),  
South Goa Planning and Development Authority (SGPDA),  
4<sup>th</sup> floor, D'Wing, Osia Arcade,  
Margao-Goa, 403 602

.....Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 13/04/2018**

**Decided on: 22/06/2018**

**ORDER**

1. The Appellant , Shri Ligoria Barrato has filed the present appeal on 13/04/2018 praying that the information as requested by the appellant in his application dated 6/11/2017 be furnished to him correctly and for invoking penal provisions.
2. The brief facts leading to the present appeal are as under :-  
That the appellant, vide his application, dated 6/11/2017 addressed to the Respondent No. 1 Public Information Officer (PIO)of the office of South Goa Planning and Development Authority requested to furnish a) Subdivision and development plan SPD/P/569/6/80-81 dt. 14-04-1980. and b) Letter No. SPD/P/969/1651/80-81 dated 9-02-1981. The said application was filed u/s 6 of Right To Information Act, 2005.
3. The Respondent No. 1 PIO vide letter dated 11/12/2017 informed the appellant that the file No. SPD/P/569/6/80-81 and SPD/P/969/1651/80-81 cannot be traced from the Record Section. As such information sought by you cannot be furnished. Efforts are being made to trace the said files.

4. The appellant being not satisfied with the said reply received from Respondent No. 1 Public Information Officer (PIO), as such the appellant on 04/01/2018 preferred first appeal as contemplated u/s 19(1) of RTI Act with the Respondent No. 2/Chairman of SGPDA being the first Appellate Authority .
5. According to the appellant no hearing took place before the first appellate authority/ Respondent No. 2. However he received the letter dated 17/01/2018 stating that the said files cannot be traced from the record section and efforts are being made to trace the files.
6. According to the appellant, he addressed letter dated 4/02/2018 to Respondent No. 2 bringing to his notice the above facts and thereby again requesting him to provide the information as sought by him and for imposition of cost on the concern person for delay in furnishing the said information.
7. As no information was received by the appellant and being aggrieved by the action of both the respondents, the appellant approached this commission on 13/04/2018 by way of second appeal filed u/s 19(3) of the RTI Act on the grounds as raised in the memo of appeal.
8. In pursuant to the notice of this commission appellant was present in person. Respondent PIO was represented by Advocate Asma Sayad, filed affidavit in reply on 22/06/2018.
9. It is case of the appellant that he has produce and brought to the notice of the Respondent PIO, the Xerox copy of the original document/plan approved by South Planning Department under Subdivision and development plan SPD/P/569/6/80-81 dt. 14-04-1980 pertaining to property known as casa at Margao which has been duly attested by Member Secretary SGPDA wherein a reference has been made regarding the letter No. SPD/P/969/1651/80-81 dated 9-02-1981. As such it is his case since they are the originator of the said documents the same ought to be found in their records and as such he is entitle for the same.
10. Vide affidavit in reply it is contention of the respondent PIO that despite of their efforts the said files could not be traced being 38 years old. And further contended that office premises of SGPDA Margao which was previously at Dattaprasad Building Pajifond,

Margao-Goa is shifted to Commercial arcade in the year 2002. The Advocate for the PIO submitted that some of the old files are now traced and she volunteered to give the inspection of those files to the appellant for the purpose of identifying the documents. The said arrangement was also agreed by the appellant.

11. Accordingly the inspection of old records were carried out by the appellant and thereafter appellant submitted that information as sought by him vide his application dated 6/11/17 is not found in those records.
12. I have perused the record available in the file also considering submissions of the both the parties.
13. From the scrutiny of the records, it is seen that the Respondent PIO right from the inception has informed the appellant that information is not traceable from the record section and the efforts are being made to trace the said files. The plan relied by the appellant itself reveals that the said was issued somewhere in the year 1980-1981 as such it could be safely gathered the information sought by the appellant pertains to 38 years back.
14. Considering the above position and as the said plan and the letter is not traced till date, I am unable to pass any direction to furnish information as it would be redundant now.
15. The displeasure is hereby expressed by this Commission on the conduct and attitude of the Respondent No. 2 First Appellate Authority (FAA). The record shows that even though the first appeal was filed by the appellant before Respondent No. 2 FAA, the same was not taken up for hearing. The opportunity was offered to FAA to file reply but no reply is filed by FAA neither showed any sufficient reasons for not passing any order within stipulated time. The commission finds that the FAA has shown scant concern to the provision of the Act. Such a practice of FAA of SGPDA is not inconformity with the provisions and spirit of the RTI Act. The said act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose applications under section 6(1) within 30 days and to dispose first appeal maximum within 45 days. There is nothing on record to show that the First Appellate Authority has passed an appropriate order on first appeal. The act of Respondent No. 2 First Appellate Authority herein are condemnable. As such he is directed to comply with the provisions of RTI Act with

true spirit henceforth and any such lapses found in future shall be viewed seriously.

16. In the above circumstances and in the light of the discussions above I dispose of the above appeal with following

**ORDER**

Appeal stands dismissed. However if the the public authority concerned herein have still not complied with the provisions of section 4(1) (a) (b) of RTI Act, 2005 then, is here by directed to take immediate steps in implementing the same.

Notify the parties.

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.

Pronounced in the open court.

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