

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

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**Shri Prashant S.P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.227/2017/CIC**

Desmond Noronha,  
H. No.937, Near Rachol Seminary,  
Bacbhat, Raia,  
Salcete –Goa 403720. .... Appellant.

V/s

- 1)The Public Information Officer/The Secretary,  
Village Panchayat of Curtorim,  
Salcete –Goa,403709
- 2) First Appellate Authority/Block Development Officer-I,  
Room NO.223, 2<sup>nd</sup> Floor,  
Matanhy Saldanha Complex,  
Collectorate South Goa,  
Margao –Goa.403601 .... Respondents.

**Filed on: 15/12/2017**

**Disposed on 22/06/2018**

**1) FACTS IN BRIEF:**

a) The appellant herein by his application, dated 30/10/2017 filed u/s 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under several points therein.

b) The said application was replied on 25/11/2017 by said reply the information in form of copies pertaining to point (2) & (4) were enclosed. Regarding information at points (1) (3), (5) and (6) were not furnished and stated as not traceable. Regarding point (7) it was informed to appellant that the house number is not mentioned in application.

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However according to appellant the information as sought was not furnished and hence the appellant filed first appeal dated 27/11/2017 to the respondent No.2, being the First Appellate Authority (FAA).

c) The FAA by order, dated 11/01/2018, dismissed the said appeal for default.

d) Before the expiry of the period for deciding the first appeal, the appellant has landed before this Commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 08/02/2018 filed reply to the appeal. FAA also filed reply on 08/02/2018.

f) In his reply, it is the contention of PIO that the information which was available has been furnished. He has produced the copy of the reply dated 25/11/2017. Considering said reply u/s7(1) it was noticed that the PIO had not furnished the information as some of the records were not available with Panchayat. The PIO on 01/03/2017 filed affidavit. Vide said affidavit it is contended by him that the resolution to issue occupancy certificate was passed in meeting held on 15/10/2009 and that the information at points 1, 3 and 5 has been transferred u/s 6(3) to the office of town & country Planning department.

g) In spite of furnishing copy of the said affidavit to appellant and giving him opportunity to clarify, he failed to appear before this Commission. Clarification on behalf

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of PIO were sought. In his submissions PIO submitted that information at points 2 & 4 are furnished. The information at points (1), (3) and (5) are transferred u/s 6(3) to Town Planning department. According to him though there is record of passing resolution for issuance of occupancy certificate, said resolution is not available in records. He further submitted that regarding point (7), as the house number of Shri Menino Travasso and Smt. Adelina Travasso was not submitted information could not be furnished for want of details.

**2) FINDINGS:**

a) Perused the records, and considered the pleadings including the affidavit. I have also considered the submissions of PIO. Regarding point Nos. (2) and (4), information is furnished and regarding No.(1) (3) and (5) the same are appropriately transferred u/s 6(3) of the act.

Regarding information at point (6) it is avered by PIO that the same is not found recorded in the form of resolution though records shows that resolution is passed. In other words, the said information is not in existence and hence the same is appropriately dealt with by PIO and that said submissions are supported by affidavit. I find no reason to disbelieve the PIO or discard the affidavit.

b) Regarding the information at point (7), Commission do find that the details viz. the house number of said Mr and Mrs Travasso is not furnished.

...4/-

c) The appellant has not availed the opportunity to clarify anything beyond the version of PIO. Commission therefore find no reason to discard or disbelieve the submissions of PIO.

d) In the above circumstances Commission finds that as the PIO has dealt with the request appropriately, no interference is required. However, the appellant can have the option of seeking inspection pertaining to points (5) and seek information pertaining to point (7) by giving further details. The appeal therefore does not deserve any consideration. Consequently the same is disposed with following :

**O R D E R**

The appeal is dismissed. However the right of the appellant to inspect the records pertaining to grant of occupancy certificate and seek copies of such records are kept open. Similarly the right of appellant to seek fresh information on point (7) by giving further details, are kept open.

Parties to be notified. Proceedings closed.

Pronounced in open hearing.

Sd/-

**( Prashant S.P. Tendolkar )**

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