

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No.144/SIC/ 2013

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward no. 11,
Khorlim, Mapusa – Goa.

..... Appellant

v/s

1. Public Information Officer,
The Chief Officer
Mapusa Municipal Council,
Mapusa – Goa.
2. The First Appellate Authority,
Dte. of Municipal Administration
& Urban Development,
Collectorate Building, Panaji – Goa.

.....Respondent

Relevant emerging dates:

Date of Hearing : 16-07-2018

Date of Decision : 16-07-2018

O R D E R

1. Brief facts of the case are that the appellant had u/s 6(1) of the RTI act 2005 by application dated 23/04/2013 requested information on 15 different points referring to Letter no EST/11/118/2128/2013 dated 07/03/2013 made to Peter Anthony Gian D'Costa and to *inter alia* furnish closing date of academic year 2012-2013, names and address of all schools in the jurisdiction of Mapusa Municipal Council to whom trade and establishment license is issued, house tax of Rainbow Play School on house no 9/302, sketch submitted by Rainbow School, etc.
2. The PIO as per 7(1) vide letter no EST/RTI/4385/2013 dated 22/05/2013 furnished information in a tabulated form on all 15 points. In point 1 & 2 it was stated as 'Not known', in points 2, 8, 9, 14, appellant was informed to collect the information of payment of fees, in points 4,5,6, it was informed that query does not fall under the purview of RTI act, and to read the decision of Information Commission.....

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.....in case no CIC/AT/A/2006/00045 dated 21/04/2006. In points no 10,11,12,13, it was informed that concerned file is not traceable however to produce other document pertaining to construction license file and in point no 15, it was informed to attend the office to inspect the file on any working day. In point no7, it was stated that trade license was not issued and area not assessed for commercial purpose, however from the plan submitted the area shown as 99.11 m2 and from assessment form the area found as 94.27 m2.

3. Not satisfied with the reply of the PIO, the Appellant preferred a First Appeal as per 19(1) on 28/05/2013 and the First Appellate Authority (FAA) passed joint order in case nos. 313//MA/RTI/2013, 314/MA/RTI/2013, 315/MA/RTI/2013, 320/MA/RTI/2013 dated 09/07/2013.
4. It is seen that the case no 315/MA/RTI/2013 concerns the present RTI application dated 23/04/2013 and the FAA at page No. 6 has observed thus: 'that queries relate to Sr Nos 10,11,12 & 13 wherein the reply stated as 'Concerned file not traceable in record' and PIO is not averse to giving information, provided the appellant produces some other documents to facilitate the search of the concerned file and the Respondent has been directed to hear the Appellant on the said date and appellant may also discuss this issue with the PIO and in regard to query no 15 about 'Khorlim Shantivan Samshan Bhumi,' the FAA has upheld the reply of the PIO rightly requesting the Appellant to attend the office to inspect the concerned file.
5. Being aggrieved with the Order of the FAA, the appellant subsequently filed a Second Appeal registered in this Commission on 07/10/2013 and has prayed to direct the PIO to furnish certified copy of document pertaining to query no 15 and to furnish correct information to queries from 1,2,3,4,5,6,7,10,11,12,13 & 14 and for penalty, disciplinary proceedings against the Chief Officer, Mapusa Municipal Council and for other reliefs.

6. This matter has come up before the Commission on several previous occasions and it is seen that the Appellant has remained absent right since 17/05/2017, however he has inwards a letter dated 25/05/2017 seeking leave not to remain present citing reasons of CCTV and lack of faith in the CIC and one SIC. This letter is not relevant and seems an excuse as the Appellant is not interested to pursue his appeal case. The Respondent PIO is represented by Shri Vinay Agarwadekar, APIO.
7. The APIO submits that after receiving the RTI application dated 23/04/2013, the PIO had furnished the information on all 15 points in a tabulated form by letter no EST/RTI/4385/2013 dated 22/05/2013 and that the Appellant has also collected the same.
8. The APIO also submitted that the Appellant had filed a First Appeal on 28/05/2013 and the First Appellate Authority (FAA) by his order dated 09/07/2013 in case no 315/MA/RTI/2013 had directed the Respondent to hear the Appellant on the said date and appellant was directed to discuss this issue with the PIO and with regard to query no 15 in page 7 about 'Khorlim Shantivan Samshan Bhumi,' the FAA has upheld the reply of the PIO rightly requesting the Appellant to attend the office to inspect the concerned file.
9. The APIO further submits that both the former PIO, Shri. Hanumant Toraskar and the First Appellate Authority, Shri Elvis Gomes have retired from Government Service and request the Commission to dispose this old pending Appeal caser of the year 2013.
10. The Commission after hearing the submissions of the APIO and on perusal of the material on record finds that the PIO had furnished information on all 15 points by letter no EST/RTI/4385/2013 dated 22/05/2013 in tabulated form. The FAA is his order has also confirmed this fact while directing the appellant to discuss with the PIO regarding his queries.

11. As stipulated in the RTI Act the role of the PIO is to provide information as is available, how is available, what is available and if is available from the records. The PIO is not called upon to research or to analyze the information or to create information as per the whims and fancies of the Appellant.
12. The very fact that the PIO has furnished information in tabulated form by his reply dated 22/05/2013 is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO to deny or delay the supply of information.
13. The FAA in his Order in first appeal case no 315/MA/RTI/ 2013 stating at page No. 6 'that queries relating to Sr Nos 10,11,12 & 13 wherein the reply stated as 'Concerned file not traceable in record' and PIO is not averse to giving information, provided the appellant produces some other documents to facilitate the search of the concerned file and the Respondent has been directed to hear the Appellant on the said date and appellant may also discuss this issue with the PIO and in regard to query no 15 in page 7 about 'Khorlim Shantivan Samshan Bhumi,' the FAA has upheld the reply of the PIO rightly requesting the Appellant to attend the office to inspect the concerned file.

No intervention is required with the Order of the FAA. As information has been furnished, Nothing further survives in the Appeal case which accordingly stands disposed. Consequently the prayer of the Appellant in terms of prayer from 1 to 6 are rejected.

All proceedings in Appeal case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner

