

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 295/SIC/2016

Narayan D. Naik,
S/o. Datta N. Naik,
H. No. 278/1(3),
Savorfond,
Sancoale – Goa. 403710

.....**Appellant**

v/s

1. The Public Information Officer,
Mr. Deepesh N. Priolkar,
Administrator of Comunidades,
Comunidade Building,
South Zone, Margao - Goa,

2. The First Appellate Authority,
Additional Collector– I,
Mathany Saldanha Complex,
Margao – Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 21-08-2018

Date of Decision : 21-08-2018

ORDER

1. Brief facts of the case are that the Appellant vide an RTI application dated 04/05/2016 sought certain information from the PIO, office of Administrator of Comunidades, South Zone, Margao-Goa. It is seen that the information sought is voluminous at 19 points.

2. The Appellant *inter alia* is seeking information regarding: the number of Complaints /correspondence /Petitions etc that were received by Sancoale Comunidade from various concerned as on date from 01/01/2013 till date of RTI application on 04/05/2016; to inform the numbers of says/comments/Resolution on the Correspondence/Complaints etc and to inform number of Govt. correspondence received by office and referred to Sancoale Comunidade to get Managing Committee comments/says/compliance Report/resolutions....

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..... on same as on date from 1st January 201; to inform the number of replies/says /compliance report /Resolution that were receive by office from Sancoale Comunidade on the Govt. correspondence and that were referred to Sancoale Comunidade by Office as on date from 1st January 2013; to furnish copies of all the complaints/correspondence etc. that were received by Office as on date from 1st Jan. 2013 from all the concerned on illegal encroachment/illegal construction on Sancoale Comunidade land and also inform me that number of Site Inspections carried out by Office after receiving such complaints on illegal construction and correspondence from various concerned; to furnish copies of all the proposals for Office action on illegal constructions/illegal encroachment on Sancoale Comunidade land that was received by Office from Sancoale Comunidade from 1st Jan. 2013 till date. And also furnish copies of all the action taken by Office after receiving such proposals from Sancoale Commundade Office; to inform the number of proposals that were not placed before the General Body Meeting as on date which were referred to Sancoale Comunidade by Office in last 4 years i.e. from 1st Jan. 2013 till date; and to furnish copies of all the action taken by Office for not conducting General Body Meeting on Office proposal which were referred to Sancoale Comunidade; to inform that as per Office directions/approvals, any Appeal against the High Court Order has been filed before the Supreme Court on Zuari Industries Ltd. matter by the Sancoale Comunidade as on date and if not, then to furnish copies of all the action taken by office as on date on Sancoale Comunidade on the same issued and other such information.

3. It is seen that the PIO vide letter No. ACSZ/120/RTI/2016-2017/196 dated 08/06/2016 informed the Appellant that whatever correspondence was received from the concerned Department relating to Sancoale Comunidade has been forwarded to the said Comunidade and that Escrivao.....

.... of the Comunidade of Sancoale vide this office Memorandum No. ACSZ/120/RTI/2016-2017/99 dated 09/05/2016 for obtaining the said required information in the said connection and the Escrivao has submitted a copy of the resolution of the Managing Committee of the Comunidade of Sancoale dated 05/06/2016 under item no2.

Not satisfied with the reply the Appellant filed the First Appeal on 06/06/2016 before the First Appellate Authority (FAA) and the FAA vide an Order dated 30/08/2016 directed the escrivao of Sancoale Comunidade to furnish information sought by the Appellant and thus disposed off the First Appeal case.

4. It is further seen that after the Order of the First Appellate Authority, the Appellant has also made a letter 30/09/2016 once again to the PIO reminding him to furnish the information as directed by the First Appellate Authority within 07 days and being aggrieved that no information has been furnished despite the Order of the First Appellate Authority. The Appellant has filed the Second Appeal before this commission registered on 22/12/2016 and has prayed to direct the PIO to make the information available free of cost and for Compensation, Penalty and other such reliefs.
5. **HEARING:** This matter has come up before the Commission on numerous previous occasions and thus it is taken up for final disposal. During the hearing, the Appellant is absent. It is seen from the roznama that the Appellant has remained absent on seven previous occasion. The former PIO, Shri. Deepesh Priolkar who was previously posted as Administrator of Comunidade South Zone Margao is present in person.
6. **SUBMISSIONS:** Shri. Deepesh Priolkar submits that all information as was available has been furnished to the appellant and also a memorandum was issued to the Escrivao to furnish the information as sought for by the appellant vide Office letter dated 13/02/2017 .4

.....and in response to the said memorandum a Escrivao of Sancoale Comunidade furnished a reply under entry No. 3033 dated 21/02/2017 furnishing approximately 200 pages of information documents and which are received by the Appellant and a record of which is already with the Commission. Shri. Deepesh Priolkar further submitted that as information as was available has been furnished, and there is no other information available the Commission should accordingly dispose the said appeal.

7. FINDINGS: The Commission after hearing the submissions and perusing the material on record indeed finds that the PIO had issued office Memorandum No. ACSZ/120/RTI/2016-2017/99 dated 09/05/2016 to the Escrivao of Sancoale Comunidade and who had furnished copy of the resolution of the Managing Committee of the Comunidade of Sancoale dated 05/06/2016 under item no2 enlosing two pages of information documents. Also about 200 more pages of information documents have also been furnished to the Appellant including copies of resolutions, notings, remarks of the administrator, court case papers, complaints, applications, advocate notices, replies and other such correspondence.

8. CONCLUSION/ DECISION: As stipulated in the RTI Act the role of the PIO is to provide information as is available from the records. The very fact that the PIO has furnished a reply and about 200 pages of information documents, this is sufficient to prove the bonafide that there was no malafied intentions on the part of the PIO to deny the information. **As information as available has been furnished, Nothing survives in the Appeal which stands disposed.**

All proceedings in Appeal case also stand closed. Pronounced before the parties 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