

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

CORAM : Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner,

Appeal No. 48/2018/CIC

Adv. Maria G Fernandes,
E-402, Saldanha Business Towers,
Mapusa Court Junction,
Mapusa-Goa.

.....Appellant

V/s

1. Public Information Officer,
The Secretary,
Village Panchayat Sangolda,
Sangolda Bardez –Goa.

2. First Appellate Authority,
Block Development Officer - II,
Mapusa Bardez- Goa.

.....Respondents

Filed on: 22/02/2018

Decided on: 18/07/2018

1. FACTS IN BRIEF:

a) The facts as pleaded by appellant herein are that the appellant by this application, dated 04/10/2017, filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought information from Public Information Officer (PIO) herein on four points as Contained therein pertaining to house no.306(B).

b) According to appellant the information as sought was not furnished and hence she filed first appeal to the First Appellate Authority (FAA) who by order, dated 16/01/2018 allowed the

appellant to inspect the record pertaining to said application dated 04/10/2017 and thereafter to file written request pertaining to inspected records and also directed PIO to furnish information within 3 days.

c) The appellant is apparently aggrieved by the said order of FAA and has filed this second appeal u/s 19(3) of the act.

d) Notices were issued to parties, pursuant to which they appeared. The appellant initially appeared but from 03/05/2018 remained absent. In view of the absence of appellant no submission of the appellant could be heard fully.

e) PIO on 02/04/2018 filed her reply. According to her the information on points 1, 2 and 4 was furnished to appellant but as regards point no.3, she checked the records but said information could not be furnished as there were no records concerning the same.

f) In view of the contention that there were no records pertaining to point (3), the PIO was directed to file affidavit in support of her said contention. Accordingly the PIO on 09/05/2018 filed her affidavit.

g) The appellant failed to appear after 24/04/2018 nor filed any rejoinder to the affidavit of PIO. This commission therefore proceeded on the bases of the records before it.

2) FINDINGS:

a) On perusal of the records and on careful consideration of the contentions of the parties, it is noted that the application dated 4/10/2017 of the appellant u/s 6(1) of the act filed on 05/10/2017 was responded on 10/11/2017 by the PIO. The appellant filed first appeal to FAA on 15/11/2017, which appears to be after receipt of the said reply from PIO. However

neither the appeal memo filed in second appeal, nor the one filed in first appeal refers to the receipt of reply from PIO. No doubt there is a delay of about 3 days on the part of PIO to comply with the requirements of section 7(1) but it was necessary for the appellant to refer to the receipt of said reply from PIO.

c) On perusal of the said reply dated 10/11/2017 of PIO, it is seen that the information at points 1, 2 and 4 was furnished to appellant by furnishing copies of the records as annexures. The appellant is silent in her appeal regarding the receipt of said information at points 1, 2 and 4. On perusal of the said annexures it is seen that the same are certified copies of relevant page of assessment register and that of resolution book. Being so Commission finds that the said points nos. 1, 2 and 4 are appropriately replied by PIO and the information to said points are furnished.

d) Regarding point no.3 of the appellant's application u/s 6(1) is replied by PIO that the copy of the application along with documents submitted therewith is not traceable. The appellant was also not sure as to whether such application was at all filed as she has requested to furnish copy "if any".

It may be true that in ordinary course the authority like the respondent is required to have an application for transfer of house tax but in this case there is no such application traceable. It appears that in view of the said non availability, that the FAA has directed the appellant to personally verify the records by inspection. Considering this practical approach of the FAA, Commission finds no illegality or irregularity in said order.

In this second appeal considering that the information sought does not exist, Commission has ordered the PIO to prove the said fact by an affidavit. PIO accordingly filed affidavit. The appellant has not countered the said affidavit. Commission therefore finds no grounds to disbelieve or discard the same.

e) In the aforesaid circumstances Commission finds no merits in the appeal and hence the same is disposed with the following.

ORDER

The appeal is dismissed. However the right of appellant to seek further information relating to same matter is kept open.

Order to be communicated proceedings closed.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji –Goa