

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 63/ SIC/2012

Smt. Betty Alvares,
R/o B5/F1, Ribandar Retreat,
Ribandar, Tiswadi-Goa.

..... Appellant

v/s

1. Public Information Officer,
Commissioner of Corporation of the
City of Panaji.
Panaji-Goa.

2. First Appellate Authority,
Director,
Directorate of Municipal Administration,
Urban Development,
Panaji-Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 17-10-2018

Date of Decision : 17-10-2018

ORDER

1. **Brief facts** of the case are that the Appellant vide her RTI application dated 16/11/2011 sought certain information from the Respondent PIO, O/o Corporation of the City of Panaji. The information pertains to seven points and the Appellant *inter alia* is seeking information on her Complaint dated 01/08/2011 with respect to : status/progress, action taken report, Officer responsible to take action (name & designation), time period required to permanently repair the ceiling leak, the number of times the Complainant is required to visit CCP as per procedure followed to get the leak permanently rectified, Copies of 17 manuals under section 4 (i) (a) and section 4 (I) (b) of the RTI Act of 2005 and other such related information.
2. The PIO vide letter No.F21/11/SAN/RTI/CCP/2011-12/4487 dated 13/12/2011 furnished a reply giving information on all seven points of the RTI applications.

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3. Not satisfied with the reply of the PIO, the Appellant thereafter filed a First Appeal dated 23/12/2011 and the First Appellate Authority (FAA) vide his Order dated 16/01/2012 disposed off the said First Appeal directing that the Respondent PIO shall make available the following document within 10 days without charging fees from the date of receipt of Order.
 - (i) Copy of the Show Cause Notice issued.
 - (ii) Copy of the inspection report carried out by the Officials of the CCP.
 - (iii) Documentary evidence as per office record of CCP that rectification of leakage work is carried out"
4. Being aggrieved that despite the Order of the First Appellate Authority (FAA) no information has been furnished by the PIO, the Appellant subsequently filed a Second Appeal registered on 21/03/2012 and has prayed for directions to the PIO to furnish information as sought in the RTI application dated 16/11/2011 and for penalty and other such reliefs.
5. **HEARING:** This matter has come before this Commission on several previous occasions and hence it is taken up for final disposal. It is seen from the Roznama the Appellant has remained absent right since 25/04/2016 and it appears that the Appellant is not interested to pursue her case. The Respondent PIO is represented by Shri. Dinesh Maralkar, LDC, O/o CCP, Panaji whose letter of authority is on record.
6. **SUBMISSION:** At the outset Shri. Dinesh Maralkar submits that all information as sought in the RTI application has been furnished by the PIO vide letter dated 13/12/2012 and also pursuant to the directions of FAA, further information including copies of notings, copy of inspection report and letter dated 24/08/2011 mentioning that the leakage has been rectified has been furnished. An Affidavit filed by the PIO dated 17/10/2018 confirming the facts is submitted to the Commission and is taken on record. ...3

7. **FINDING:** The Commission on perusal of the material of record at the outset finds that all notices dispatch by the Commission to the address of the Appellant have been returned back with postal authorities with the remark stating party left. There are five such notices sent by Speed Post that have been returned undelivered.
8. The Commission also finds that all information has been furnished by the Respondent PIO and the following documents are on record of the file: A copy of notice bearing No.F/21/11/SAN/CCP/2011-12/1858 dated 20/07/2011, a second notice no No.F/21/11/SAN/CCP/2011-12/2417 dated 18/08/2011, REPORT of Sanitary Inspector, dated 18/07/2011, letter from the PIO having ref no F-21/11/SAN/RTI/CCP/2011-12/4487 dated 13/12/2011 informing the Appellant *inter alia* that the defects have been cured resulting in no leakage, order issued by the Dy. Commissioner, CCP having reference no F-21/36/SAN/CCP/2013-14/3582 dated 11/07/2013 directing the building society to look into the matter of complaint of the appellant, letter dated 01/10/2014 of the PIO also enclosing an inspection report stating there is no leakage, reply dated 19/06/2018 of the PIO praying that the Second Appeal be dismissed and finally an affidavit filed by the PIO dated 17/10/2018 confirming all the facts that information has been furnished.
9. There is also on record a letter dated 24/08/2011 from one N J D'Souza who is resident on the top floor stating that the plumber attached to the society had inspected the bathroom and he is not able to detect the source of the leakage and that the said bathroom which is in use in the above apartment was repaired and re-tiled based on the request of the Mrs. Betty C. Alvares (Appellant) to her satisfaction. Also on record is another reply filed by the PIO dated 14/05/2011 confirming in paragraph 4 that the Appellant was furnished all information and that the Appellant despite having received the information had filed the Second Appeal which is completely misconceived. ...4

10. In paragraph 7 of the same reply it is also stated that the following documents were furnished: Notice dated 20th July, 2011 issued by the Commissioner, Notice dated 18th August, 2011 and Inspection report dated 15/07/2011.
11. The Commission also finds that the Appellant has addressed a letter dated 01/04/2015 to the Commission stating that the Appellant is going to be out of India, indefinitely and to proceed the matter to its logical end even in the absence of Appellant absent.
12. **Decision / Conclusion**: The Commission comes to the conclusion that all information has been furnished to the Appellant by the PIO as is also seen from the large number of information documents placed in the file as such nothing survives in the Appeal case which accordingly stands disposed.
13. Before parting, the Commission also observes that there are several letters on record issued by the PIO and other officers in the CCP which speak of the repair and rectification of the leakage of the flat of the Appellant. The issue of any rectification / repair of leakage of the Flat of the Appellant does not come under the purview of the RTI act 2005 and it is not known as to why the issue of repair and rectification of the leakage of the ceiling of the flat of the appellant was addressed and attended to by the PIO in the first place.

With these observations, all proceedings in Complaint case stands 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

