

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

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

Appeal No.72/2018/CIC

Shri Bharat L. Candolkar,
r/o. Vady, Candolim,
Bardez Goa

..... **Appellant**

v/s

1) Public Information Officer,
Mr. Dasharath Gawas,
Mamlatdar of Bardez,
Mapusa, Bardez – Goa.

2) The First Appellate Authority,
Deputy Collector of Bardez,
Mapusa, Bardez – Goa.

..... **Respondents**

Filed on : 03/04/2018

Decided : 05/07/2018

1)FACTS IN BRIEF:

a. The appellant herein by his application dated 28/11/2017 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. According to appellant the said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No. 2, being the First Appellate Authority (FAA).

c. The FAA by order dated 27/2/2018 allowed the said appeal and directed PIO to furnish the information.

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d. It is the contention of the appellant that PIO furnished incomplete and incorrect information vide reply dated 10/1/2018. The appellant has therefore 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 the appellant appeared. In spite of service and granting opportunity, PIO failed to appear not filed any reply to the appeal

2) FINDINGS

a) Perused the records and considered the pleadings and submissions. The appellant by his application u/s 6(1) of the act has sought to have the records pertaining to the check list which was required to be filed pursuant to the directions of Dy. Collector. For reference and clarification the application is accompanied by copy of a letter dated 10/10/2017, wherein the Dy. Collector has directed the Mamlatdar Bardez, which is the respondent Authority, herein to inspect the site in question and verify if sanad for conversion is issued and if it is without conversion, to file a check list.

b) In his request his requirements are enumerated at points 1(a) to (b). The appellant has contended that the PIO has failed to furnish information within 30 days. There is no records produced by PIO rebutting the same. The information is furnished by PIO in the course of the first appeal vide reply dated 10/1/2018.

c) In the said reply the PIO has responded that information at points 1(a), (c) to (h), a copy of eight point reply dated 8/11/2016 is furnished, which copy is also attached to the response.

d) If one peruses the said attachment it is seen that it is the reply by Mamlatdar to Dy. Collector regarding the inspection conducted. The said reply contains the details witnessed by the Mamlatdar during inquiry. The said reply is also accompanied by the report of Talathi and a sketch.

e) Though the appellant in his application has sought certified copies of action taken report on construction, the details sought are restricted only with in reference to the directions issued by Dy. Collector.

In other words the appellant has sought for the action taken report on the letter dated 10/10/2017 from the Dy. Collector, Mapusa. The PIO in performing his obligation u/s 7(1) of the act has furnished the reply which was sent to the Dy. Collector alongwith annexures. It was the action called for from the Mamlatdar and performed by him.

f) It is the contention of appellant that as the complaint was in respect or illegal constructions undertaken by one Shri Antonio Fernandes, the action taken by Mamlatdar in respect of said construction should have been furnished. However considering the request u/s 6(1) which was specific in reference to the letter by Dy. Collector, the information sought was limited to the action in reference to said letter from Dy. Collector.

g) Considering the above facts, Commission finds that the information as was sought is furnished, which according to the appellant was on 10/1/2018. Needless to say that if any further information is required the same can be sought by the appellant either in reference to the information furnished or otherwise.

h. In the present case, the appellant has contended that the application u/s 6(1) was not replied within 30 days as stipulated. Said contention is not disputed by PIO by filing any reply. Hence prima facie it appears that PIO has failed to

respond the application within time specified u/s 7(1) of the act. Such lapse would make concerned PIO liable for penalty u/s 20(1) and /or 20(2) of the act. However before invoking such powers, it is necessary to grant an opportunity to concerned PIO to justify the delay.

In the above circumstances, commission disposes the appeal with following :

O R D E R

The appeal is partly allowed. The prayer for furnishing any further information is rejected. However, the right of appellant to seek further information are kept open.

Appellant to file memo furnishing the name of concerned PIO and on receipt thereof issue notice to show cause as to why penalty as contemplated u/s 20(1) and/or 20(2) of the Right to Information Act 2005 should not be initiated against him.

Notice returnable on 30/7/2018 at 10.30 a.m.

Sd/-

(Prashant S.P. Tendolkar)

State Chief Information Commissioner

Goa State Information Commission

Panaji - Goa