

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

Complaint No. 45/2018/SIC-I

Shri Franky Monteiro,
R/o. House No. 501, Devote,
Loutolim, Salcete Goa.

.....Complainant

V/s

1) The Public Information Officer,
Office of the Town Planner,
Town and Country Planning Department,
Osia Complex,
Margao Goa.

.....Respondents/Opponents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 09/08/2018

Decided on: 17/10/2018

ORDER

1. The brief facts leading to the present complaint are that the complainant Shri Franky Monteiro by application dated 11/06/2018 sought information on 6 points as stated therein in the said application from the PIO of Office of Town Planner, Margao, Goa. The said application was filed under sub section (1) of section 6 of the Right to Information Act, 2005.
2. According to the complainant his said application responded by respondent no 1 PIO on 3/07/2018 thereby informing him that information at point no 1 to 6 is not available in their office records as such the same cannot be furnished.
3. According the complainant he being not satisfied by the reply of the Respondent PIO, he preferred 1st Appeal on 9/07/2018 and the FAA by an order dated 27/07/2018 directed the present PIO to discuss the matter with then PIO and thereafter to provide the information to the

complainant as per his application dated 11/06/2018 within 10 days from the date of the receipt of the order.

4. According to the complainant pursuant to the order of the FAA, the respondent PIO vide his letter dated 6/08/2018 informed him that in pursuant to the order of the FAA he discussed the said matter with then PIO regarding the concerned file Ref. No TPM/16224/CAM/84/5/2017 and then PIO informed him the information at Serial No. 1 cannot be furnished as the same are not maintained by their office and he was called upon to inspect the said file for the purpose of identifying the information/documents required by him.
5. Being aggrieved by such a response of respondent PIO the complainant approached this commission on the ground that the reply given by then PIO is not in compliance with the order of the FAA and that respondent is deliberately refusing and not deliberately providing him correct and complete information only to cover up and shield the illegal acts.
6. In this background the complainant has approached this commission by way of present complaint and has prayed before this commission for action against respondent u/s 20 of the RTI Act, compensation as also for directions for furnishing him information as sought by him vide his application dated 11/06/2018
7. In pursuant to the notice of this Commission, the complainant was present. Respondent no 1 PIO Shri. Ritesh Shirodkar appeared and filed his say on 24/09/2018.
8. It is the case of the Respondent PIO Shri Ritesh Shirodkar that in the file bearing TPM/16224/cam/84/5 no details of discussion held are recorded therefore he was not able to provide information to the complainant. It was further contended as directed by the FAA vide order dated 27/07/2018 he discussed the said matter with then PIO and then vide his letter dated 6/08/2018 he informed the

complainant that the information at point no 1 cannot be furnished. He further contended that he had requested the complainant to inspect the file bearing no TPM/16224/cam/84/5 and volunteered to furnish the information available in the said file. It is his further contention that he has complied the order of FAA and even volunteered to furnish him the information available in the records and as such there was no denial.

9. The present PIO Shri Ritesh Shirodkar filed an application on 4/10/2018 informing this commission that initial reply in terms of section 7(1) was given by then PIO Shri Manguirish Verenkar as such a showcause notice was issued to said Shri. Manguirish Verenkar on 4/10/2018. In pursuant to said showcause notice Shri. Manguirish Verenkar appeared and filed his reply on 17/10/2018 alongwith enclosures.
10. Vide reply dated 17/10/2018 the then PIO Shri. Manguirish Verenkar contended that he has mentioned that no such information is available in the office records as there is no physical evidence available in the office records. It was further contended the discussion held with the Chief Town Planner (Planning) in his cabin was just a verbal one to seek guidance of his higher authorities. It was further contended that on many instances he receives phone calls from the head office Panjim on his personal mobile phone in respect of official matters which cannot be saved as a proof for issue of information under the RTI Act.
11. The reply filed by the present PIO Shri. Ritesh Shirodkar and by then PIO Shri. Manguirish Verenkar were furnished to the complainant alongwith enclosures.
12. The complainant on 17/10/2018 submitted that as the information i.e. noting sheet is being provided now by the PIO and as the replies of PIO's found satisfactory, he is not pressing for penal provisions and wishes to withdraw the complaint. Accordingly he makes endorsements on the last page of his memo of complaint.

13. In view of the submissions and endorsements made by the complainant I find no reason to proceed with the present complaint and as such the same is disposed as withdrawn.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa