

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

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Complaint No. 53/2018/SIC-I

Sitaram B. Parab,  
r/o. H. No. 24,  
Khalchawada, Virnoda,  
Pernem, Goa 403507.

..... Complainant

v/s.

1)Public Information Officer,  
North Goa Planning and Development Authority,  
Mala-Panaji, Goa – 403001.

2)First Appellate Authority,  
North Goa Planning and Development Authority,  
Mala, Panaji Goa – 403001.

..... Opponents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 25/09/2018**

**Decided on: 14/11/2018**

**ORDER**

- 1.** The brief facts leading to the present Complaint are that the Complainant Sitaram Parab by an application dated 20/03/2018 sought for certified copy of the file bearing No. NGPDA/1727/3385/28/3/13 of Chalta No. 78 to 103 of P.T. Sheet No. 95 of City Survey of Panjim from the Respondent No. 1 PIO of office of North Goa Planning and Development Authority, Mala-Panjim, Goa. The said information was sought by the Complainant in exercise of his right under subsection (1) of section 6 of Right to Information Act, 2005.
- 2.** It is contention of the Complainant that his application was not responded by the Respondent No. 1 Public Information Officer (PIO) within stipulated time of 30 days as such he visited the Office of the Respondent PIO and his staff gave him various lame reasons such as PIO is not available or out of station.
- 3.** It is the contention of Complainant that he being aggrieved by the action of Public Information Officer (PIO) and his staff and deeming

the same as rejection, the Complainant filed his first appeal to Respondent No. 2 first appellate authority on 31/08/2018 but Respondent No. 2, First Appellate Authority (FAA) did not take up his 1<sup>st</sup> appeal for hearing neither disposed his first appeal within stipulated time as contemplated u/s 19(1) of RTI Act.

- 4.** Being aggrieved by the action of both the Respondents, the Complainant approached this Commission by way of Complaint under section 18 of RTI Act on 24/09/2018 on the ground that the Respondent have not furnished him the information and PIO has breached the mandate of the Act by denying him the information.
- 5.** The Complainant in his complaint has approached before this Commission for action against Respondents in terms of section 20(1) and 20(2) of the RTI act, 2005 and also for direction for furnishing him the information as sought by him by application dated 20/03/2018.
- 6.** In pursuant to the notice of this Commission, the Complainant was present in person. Respondent PIO was represented by Advocate Sailee Bandodkar.
- 7.** During hearing the Complainant submitted that he is the co-owner of the Shop bearing No. 4 constructed in the building known as Maithaly Apartments situated in the property bearing Chalta No. 78 to 103 of Pt Sheet No. 95 of city Survey of Panjim and the department of North Goa Planning and Development Authority has given construction approval to one builder by name Marks Developer bearing NGPDA/1727/3385/28/3/13 without following proper procedure of law and has demolish the part of the building. It is his further contention that he had sought the said information in order to approach the competent authority with his grievances. He further submitted that he is mainly interested in receiving the information and he has no any personal grievance against PIO. If the information is furnished to him on the priority basis he is not pressing for penal provisions.

- 8.** Advocate for the Respondent PIO undertook to furnish the information to the Complainant and accordingly the same was furnished to the Complainant on 13/11/2018. The Complainant on verification of the same submitted that some of the pages are missing and as such it was his contention that the Xerox copy of the complete file has not been provided to him. On request of Advocate for Respondent the information was returned back to Advocate for Respondent for verification of the same viz-a-viz the original file. On subsequent date of hearing i.e. on 14/11/2018 the Respondent PIO filed his reply furnishing copies of the information. The original file was also carried by the PIO. The complainant verified the information furnished to him viz-a-viz the original file and submitted that he is now satisfied that all the relevant documents from the said file have been provided to him.
9. He further submitted that since his main intention was receiving the information and since the information is now provided to him, he desires to withdraw the present complaint. Accordingly he endorsed his say in last page of his complaint.
- 10.** Before parting it is hereby observed that the act on the part of the Respondent No. 1 PIO and First Appellate Authority (FAA) is not in conformity with the RTI Act. The said Act came into existence to provide fast relief and as such time limit is fixed to dispose the application under section 6(1) of the RTI Act within 30 days and to dispose first appeal within 45 days. Here from the records it is evident that both the Respondents herein have failed to perform their duties under RTI Act. Such an attitude and conduct on the part of PIO and FAA is condemnable.
- 11.** The Public Authority must introspect that non furnishing of the correct information or incomplete information lands the citizen before FAA and also before this Commission, resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible.

- 12.** However since Complainant did not press for penal provisions a lenient view is taken in the present case and both the Respondent are hereby directed that time limit and procedure stipulated under various provisions of RTI Act should be strictly adhered too.

With this above directions the Complaint proceedings stands closed.

Pronounced in open proceedings. Notify the parties.

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

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

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