

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No.40/2018/SIC-II

Mr. Gabriel Xavier Pires,
Shop No.6,
Rizvi Chambers, Ground Floor,
Caetano de Albuquerque, Road, Panaji-Goa.
Pincode: 403 001.

.... Complainant

v/s

Public Information Officer,
Corporation of the City of Panaji,
Panaji-Goa.
403 001.

Opponent / Respondent

Relevant emerging dates:

Date of Hearing : 28-11-2018

Date of Decision : 28-11-2018

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 08/03/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o the Corporation of the City of Panaji-Goa. The Information sought is as follows: "kindly inform me which section or which rule of the Corporation of the City of Panaji (CCP) Act states what is a branded board and also kindly inform me under which section or rule the so called branded board requires a special license".

2. It is seen that the PIO vide letter No.13/22/TAX/RTI/CCP/2017-18/2017 dated 02/04/2018 informed the Complainant that the information cannot be furnished at this stage since the Dy. Commissioner who is PIO of this Corporation is transferred to other Department and presently there is no PIO to this Office and once the Dy.Commissioner/PIO, resumes office, the information will be furnished. The PIO vide another letter No.RTI/CCP/2017-18/2778 dated 27/04/2018 also informed the Complainant answering " It was resolved in the special meeting of Corporation held on 25/04/2013 and accordingly the rates" were fixed. ...2

3. Not satisfied with the replies the Complainant filed the First Appeal which was received by the Public Authority on 07/05/2018 and the First Appellate Authority (FAA) vide a short Order dated 16/05/2018 disposed off the said First Appeal by directing the PIO to provide a detailed self- contained answer specific to the question ask within a week. The FAA also observed the Appellant wants answers to specific questionable claims and that answer given by PIO does not give clear picture, in view that the Complainant wants.
4. Being aggrieved that despite the Order of First Appellate Authority the PIO, has not furnished satisfactory information and answers to the questions, the Complainant has filed the Complaint under Section 18 registered with the Commission on 13/07/2018 and has prayed that the Complaint be proceeded under section 18 and necessary reliefs be granted to enable the Complainant receive the necessary information.
5. **HEARING:** This matter has come up before the Commission on two previous occasions and at the request of the Complainant is taken up for final disposal. During the hearing the Complainant Mr. Gabriel Xavier Pires is present alongwith Adv. Aires Pinto Furtado whose Vakalatnama is already on record. The Respondent PIO is absent.
6. **SUBMISSIONS:** At the outset Adv. Aires Pinto Furtado submits that the PIO was asked a simple question to inform, under which section or which rule of the CCP, the branded board requires special license and the same has not been answered by the PIO. It is further submitted that the information provided vide letter dated 27/04/2018 by the PIO, is not satisfactory and which is why a First Appeal was file and that the First Appellate Authority had given clear directions to the PIO to provide self contain answer, specific to the question ask within a week and that despite such an Order, no information has been provided.

7. Adv Aires Pinto Furtado finally submitted that his client was issued a Show Cause Notice calling upon him to pay an amount which is ten times more, by stating that the Sign Board displayed in the shop premises is a branded board and as such requires a special license with higher fees and why action should not be taken and this is the reason why the RTI application was filed.
8. **FINDINGS**: The Commission on scrutiny of the file finds that the PIO in his letter reference No.RTI/CCP/2017-18/2778 dated 27/04/2018 informed the Complainant answering " It was resolved in the special meeting of Corporation held on 25/04/2013 and accordingly the rates" were fixed and by another letter under reference No.RTI/CCP/2018-19/3276 dated 24/05/2018 the PIO further informed that as per the City of Panaji Corporation act 2002, the Corporation has the right to frame rules and regulation under section 104 of the said act. The PIO had also enclosed a copy of the minutes of the special meeting held on 25/04/2013 along with the revised rates charged from Financial Year 2013-14 onwards for various activities including sign board.
9. **CONCLUSION**: No intervention is required with the order of the FAA. The PIO is hereby directed to re-examine the matter and provide specific information as sought for by the Complainant in the RTI application dated 08/03/2018. The said information shall be provided within 15 days of the receipt of the Order.

With these directions the 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