

**GOA STATE INFORMATION COMMISSION**

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**Appeal No. 136/2018/SIC-I**

Shri Bharat L. Candolkar,  
Vady, Candolim,  
Bardez Goa.

....Appellant

V/s

1) The Public Information Officer,  
Shri Sanjeev Joglekar,  
GCZMA, Porvorim,  
Bardez – Goa.

2) First Appellate Authority,  
Member Secretary, GCZMA,  
Porvorim, Bardez – Goa

.....Respondents

**CORAM:****Smt. Pratima K. Vernekar**, State Information Commissioner**Filed on: 30/05/2018****Decided on: 14/08/2018****ORDER**

1. The facts in brief leading to present appeal are that the appellant Shri Bharat Candolkar by his application, dated 24/01/2018 filed u/s 6(1) of The Right to Information Act, 2005 sought for certain information pertain to construction of house (Residential and Commercial/Business of Bar & Restaurant/ Hotel/Guest house bearing house numbers 451 B/A1, 451 B/A2, 451 B/A3, 451 B/A4, 451 B/A5, 451 B/A6, 451 B/A7, 451 B/A8, 451 B/A8, 451 B/A9, 451 B/A10, 451 B/A11, 451 B/B1, 451 B/B2, 451 B/B3, 451 B/B4, 451 B/B5, 451 B/B6, 451 B/B7, 451 B/B8, 451 B/B9, 451 B/B10, 451 B/B11, 451C/C1, 451C/C2, 451C/C3, 451C/C4, 451C/C5, 451C/C6, 451C/C7, 451C/C8, 451C/C9, 451C/C10, 451C/C11 with swimming pool, well, compound wall, soak pit and septic tank carried out by Antonio P. Fernandes (Casablanca Beach Resort) at Vaddy Candolim Bardez – Goa on 5 points at stated therein in the said application.

The Said information was sought from the Respondent No. 1 Public Information Officer (PIO) of the GCZMA Porvorim, Bardez-Goa

2. It is the contention of the appellant that he did not receive any reply to his above application from the PIO nor any information was furnished to him within stipulated time of 30 days as contemplated under the RTI Act.
3. It is the contention of the appellant that he received reply and the information on 7/03/2018 from the Respondent no.1 PIO which according to him was vague, incomplete and incorrect.
4. As the information as sought was not furnished, the appellant filed first appeal u/s 19(1) of RTI Act, 2005 on 27/03/2018 before the member secretary, GCZMA at Porvorim, Goa being the First Appellate Authority, who is the Respondent no. 2 herein.
5. It is the contention of the appellant that Respondent No. 2 FAA did not take up the first appeal for hearing nor disposed its first appeal within stipulated time as contemplated under RTI Act, 2005 as such he had no other alternative then to approach this Commission.
6. In the above background the appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission in this second appeal u/s 19(3) of the Act on 30/05/2018 with the contention that the correct information/ inspection is still not provided and seeking order from this commission to direct the PIO to provide him requested information and the inspection and also sought for other reliefs, including compensation and compliance of Section 4 (1) (a) and 4 (1) (b) of RTI Act, 2005.
7. Matter was taken on board and was listed for hearing, pursuant to the notice of this Commission, appellant appeared in person alongwith Advocate Atish Mandrekar. Respondent PIO was represented by Shri Bhaskar Shinde and filed his reply on behalf

of PIO alongwith the information on 14/08/2018. Copy of the reply and the enclosures were furnished to the appellant. The Respondent No. 2 FAA opted to remain absent despite of due service of notice, nor filed any reply to the proceedings.

8. On verification of the information the appellant submitted that he is satisfied with the information furnished to him before this commission. He further submitted that both the respondents were not diligent in performing their duties under the RTI Act 2005 and he has been made to run from pillar to post thereby causing great hardship to him and on that ground he sought for compensation. However he did not press for penal action against PIO. He accordingly made endorsement on memo of appeal.
9. Since the information is furnished to the appellant to his satisfaction in the course of present proceedings, I find no intervention of this commission is required for the purpose of furnishing information and as such the prayer (1) becomes in fruituous.
10. On perusal of records, it is apparent that application dated 24/01/2018 filed under section 6 was not responded within stipulated time of 30 days. The said was responded only on 7/03/2018 as such I find some truth in the contention of the appellant that the Respondent have not acted in conformity with the RTI Act, 2005. However, as there is nothing on records that such lapses on the part of the Respondent PIO is persistent, as such considering this as first lapse on his part a lenient view is taken and he is hereby directed to be vigilant hence forth while dealing with the RTI matters and to comply the provisions of RTI Act in true spirit.
11. The Respondent No. 2 FAA showed the scant respect to the Commission and the provisions of RTI Act. He did not bothered to appear and file his appropriate reply. The act on the part of respondent no.2 FAA is also not in conformity with the RTI Act.

The said act came into existence to provide fast relief and as such time limit is fixed under the act to dispose the application under section 6(1) of the RTI Act within 30 days and to dispose first appeal within 45 days. Such an attitude and conduct on the part of the FAA and the PIO is condemnable and has to be brought to the notice of his superiors.

12. Public authority must introspect that non furnishing of the correct 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.
13. In view of above following order is passed.

#### ORDER

- (a) In exercise of my powers conferred u/s 25(5) of RTI Act 2005 this Commission recommends that the Chairman of GCZMA , Secretariat, Porvorim Goa shall issue instruction to both the respondents to deal with the RTI matters appropriately in accordance with the provisions of the RTI Act and any lapses on the part of respondents be considered as dereliction of duties.
- (b) If the public authority concerned herein that is Goa Coastal Zone Management Authority if still not complied with the obligation casted upon them in terms of section 4 (1)(a)(b) and section 4 (2) of the RTI Act 2005, they are hereby directed and called upon to comply the said provisions within four months from the date of the receipt of the order.
- (c) Issue notice to the Public Authority concerned herein i.e Goa Coastal Zone, Management Authority, Porvorim Goa through the Chairman, to show cause as to why it should not be ordered to compensate the appellant as contemplated u/s

19(8)(b) of the RTI Act, 2005, returnable on 30/08/2018 at 10.30.am.

With the above directions, the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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