

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

Appeal No. 137/2018/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: 15/10/2018

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 houses (Residential and Commercial/Business of Bar & Restaurant/ Hotel/guest house in the property bearing survey number 128/3 of village Candolim carried out by Prem Kohli in the name of Xavier Beach Resort or Xavier Resort on 5 points as 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 penalty and compliance of Section 4 (1) (a) and 4 (1) (b) of the 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 Adv. Vanifilda Gracias who provided the pointwise information to the appellant on 26/07/2018 vide letter dated 17/07/2018 and also on 23/08/2018 vide letter dated 21/08/2018. Copy of the reply and the enclosures were furnished to the appellant. The Respondent No. 2 FAA was represented by Shri Bhaskar Shinde.
8. Since the appellant was not satisfied with the information provided to him at point no 2, the appellant was directed by this

Commission to visit the office of PIO and to identify the documents at point no 2 which was required by him. And the PIO was thereafter directed to furnish the same to the appellant.

9. Accordingly the information at point no 2 came to be furnished to the advocate for the appellant on 15/10/2018 before this commission.
10. Advocate for the appellant submitted that appellant's mother is indisposed and hence unable to attend today's hearing. He submitted that the complete information is now being provided, there is no any further grievance and not pressing for penal provisions. Accordingly advocate for the appellant made endorsement on the last page of memo of appeal.
11. Since the information is not 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.
12. 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.
13. The 1st appeal filed by the appellant was not disposed by the respondent no 2 FAA. The act on the part of both the Respondents 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 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. However, as there is nothing on record to show that such lapses on the part of the Respondent PIO is persistent, and also considering the endorsement made on behalf of appellant by advocate for appellant, a lenient view is taken in

the present proceeding and both respondents are hereby directed to be vigilant hence forth while dealing with the RTI matters and to comply the provisions of RTI Act in true spirit.

14. 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