

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

CORAM: Shri Juino De Souza: State Information Commissioner

**Appeal No: 84/2018/SIC-II &
Appeal No: 85/2018/SIC-II**

Peter Paul D'Souza,
H.No. 63/2, Mainath Bhatti Vaddo,
Arpora, Bardez, Goa – 403 516

..... Appellant

v/s

1. Public Information Officer,
The Secretary,
Village Panchayat of Arpora-Nagoa,
Bardez, Goa – 403 516
2. First Appellate Authority,
The Block Development Officer–II,
Govt Complex, Mapusa, Bardez – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 21-02-2019

Date of Decision : 21-02-2019

ORDER

The above two appeals pertain to one and the same parties and are having similar subject matter as such they are combined together and disposed by one common order.

1. **Brief facts** of the case are that the Appellant vide two RTI application both dated 15/01/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Secretary V.P Arpora-Nagoa, Bardez-Goa regarding a notice issued under Goa Panchayat Raj Act 1994 dated 05/01/2018 under reference no VP/AN/Notice/17-18/1759 and for which the site inspection was carried out on 12/01/2018.
2. The Appellant *inter alia* is seeking information to provide the total area in square meters of the designated open space of a project in Sy.No.86/4 & Sy.No.81/1(part) of Village Arpora as shown in the revised approved plan and for which the Panchayat of Arpora – Nagoa has granted occupancy certificate vide No. VP/AN/OCCUP.Cert./2014-15/752 dated 02/12/2014 and to provide information whether the Panchayat of Arpora-Nagoa has granted NOC for any construction in the designated open space of the project in Sy.No.86/4 & Sy.No.81/1 (part) of Village Arpora and if so to provide the details.

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3. The Appellant is also seeking to provide the sketch showing the details of the alleged illegal construction done by M/s Red Stone Spaces designated open space of a project in Sy.No.86/4 & Sy.No.81/1(part) of Village Arpora, the panchnama copy and site inspection attendance sheet and names of the Panchayat member present for site inspection.
4. It is the case of the Appellant that the Respondent PIO failed to provide the information as sought by him within 30 days of filing of both RTI applications as per section 7(1) and hence the Appellant therefore filed two First Appeals both dated 19/02/2018 and the First appellate authority (FAA) by two separate Orders both dated 13/03/2018 allowed both the First Appeals and directed the Respondent PIO to furnish the information as sought by the Appellant within seven days. Being aggrieved that despite the Order of the First appellate authority(FAA), the PIO has not furnished information, the Appellant has subsequently filed two separate Second Appeals both registered on 12/04/2018.
5. **HEARING:** During hearing Appellant Shri Peter Paul D'Souza is present in person. The Respondent PIO, Secretary V.P. Calangute is represented by Advocate S. Morajkar who is holding for Adv. Siddesh R. Prabhudessai.
6. **SUBMISSIONS:** The Appellant submits that the PIO did not file his reply to both the RTI applications which is mandatory as per section 7(1) of the RT act 2005. He further submits that even pursuant to the Order of the First Appellate Authority, the PIO has neglected to furnish the information till date.
7. **FINDINGS:** The Commission at the outset observes that PIO has failed in the discharge of his duty under the RTI act 2005 to furnish the information timely. If the said information was available the same should have been furnished without delay and if not available, then the PIO could have informed the Appellant accordingly.

8. The PIO was duty bound to inform the Appellant after the receipt of the RTI application as to whether the said information is available or not as per section 7(1) mandated within 30 days period. The Commission further finds that even after the order of the FAA, the PIO has not furnished any information. The Commission also finds that there is no reply nor any written submissions filed by the PIO nor his advocate before the Commission.
9. **DECISION:** No intervention is required with the Order dated 13/03/2018 of the First appellate authority. The Commission hereby directs the PIO to comply with the Order of the First appellate authority (FAA) and to furnish all information as available and as sought in both RTI applications dated 15/ 01/2018 within 25 days of the receipt of this Order. If no information is available, then the PIO is directed to inform the Appellant accordingly also within 25 days of the date of receipt of the Order.

With these directions the two appeal case stands disposed.

All proceedings in Appeal 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