

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

Appeal No.86/2019/SIC-I

Dr. (Ms.) Kalpana V Kamat,
Caldeira Arcade,
Bhute Bhat, Vasco, Goa.
V/s

....Appellant

1)Public Information Officer,
Office of the Civil Registrar Cum,
Sub Registrar,
Mormugao-Goa.

2)First Appellate Authority,
State Registrar cum Head of Notary,
Services, 7th Floor, Shram Shakti
Patto Panaji-Goa.

.....Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 08/04/2019
Decided on:14/05/2019

ORDER

1. The second appeal came to file by the appellant Dr. Kalpana V Kamat on 08/04/2019 against the Respondent No. 1 Public Information Officer (PIO), office of the Civil Registrar cum Sub Registrar, Mormugao-Goa and against Respondent No. 2 First Appellant Authority (FAA), under sub section (3) of section 19 of RTI Act.
2. The brief facts leading to the second appeal are that the appellant vide her application dated 08/01/2019 had sought for the information from the PIO of Mormugao Municipal Council, Vasco-Da-Gama, Goa on 7 point as listed therein in exercise of her right under 6 (1) of RTI Act , 2005.
3. It is the contention of the appellant that the PIO of the office of Mormugao Municipal Council, vide his letter dated 11/01/2019 transferred the said application to the Respondent No. 1 PIO of

the office of civil registrar cum sub registrar, Vasco-Da-Gama, Mormugao-Goa in terms of section 6 (3) of RTI Act, 2005 with a request to provide the information to the appellant at point no. 7 vis-viz the documents showing Naik/ Nayak real estate is a company and its registration along with all documents submitted for registration.

4. It is the contention of appellant that she received a reply from the Respondent No. 1 PIO on 16/01/2019 in terms of sub section (1) of section 7 of RTI Act, 2005 thereby informing her that in respect to information at point no. 7, the office do not maintain the records with company name and further details such as serial number, date of execution, registration number are required by them. She was also requested to inspect the files pertaining to same subject matters.
5. It is the contention of the appellant that she vide letter dated 23/01/2019 provided the names and requested for documents executed by said person and in response to same the Respondent No. 1 PIO vide his letter dated 01/02/2019 informed her that as per the list of names, their office have found two (2) numbers deeds with the names and to inspect the said documents on any working day and to pay the specific fees towards the certified copies.
6. It is the contention of the appellant that she being aggrieved by such a response of Respondent No. 1 PIO, preferred the first appeal on 26/02/2019 before the Registrar cum Head of Notary services, being a First Appellate Authority who is the Respondent No. 2 herein and on the same day she also received a letter dated 26/02/2019 from the PIO giving the details and the names of the parties of whom the two documents were found.
7. It is the contention of the appellant that she received a notice of hearing from Respondent No. 2 First Appellate Authority however, since the Respondent No. 2 First Appellate Authority did not

dispose her first appeal, she is forced to approach this commission by way of second appeal as contemplated under section 19(3) of RTI Act, 2005.

8. In this background, the appellant has approached this commission with a contention that information is still not provided and seeking relief for direction for providing her information, free of cost and for invoking penal provisions.
9. The matter was taken up on board and was taken up for hearing after intimating both the parties. In pursuant to notice of this commission, appellant appeared in person. Respondent PIO Shri Kiran Mesta along with Shri Deepak Gonge was present. Respondent No. 2 was initially represented by Maria Akhila Araujo.
10. Affidavit in reply was filed by Respondent No. 1 PIO on 13/05/2019. The copy of the affidavit in reply along with the information was furnished to the appellant herein on 13/05/2019. The appellant acknowledged the said information which was furnished to her free of cost and submitted that she has no any further grievance with respect to information furnished to her as the same is furnished as per the PIO available records and also as per her requirements. She further submitted that she is not pressing for penal provisions and accordingly endorsed her say on the last page of affidavit in reply of PIO.
11. Since available information have been furnished to the appellant, free of cost as per the requirements of the appellant, I find no intervention of this commission required for the purpose of furnishing information and hence prayer (3) becomes infructuous.
12. It is found from the records that the Respondent No. 1 PIO was diligent in performing the duties under RTI Act and he has respondent the application of the appellant well within stipulated time and there was no denial from his side for furnishing the available information. The PIO have extended the full corporation

to the appellant and the queries sought by her vide her different communications/correspondence were duly replied by the respondent PIO. Further the PIO has shown his bonafids in providing the information free of cost and as such I am of the opinion that the facts and circumstances of the present case doesn't warrant levy of penalty on Respondent PIO.

13. As discussed above and in view of the submissions and the endorsements made by the appellant herein, nothing survives to be decided in the present proceedings and hence the 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.

Pronounced in the open court.

Sd/-

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