

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 291/2019/SIC-II

Xavier Lopez,
302, Wahendna Apartments,
75 Hill Road, Mumbai,
Bandra (W), 400 050

..... Appellant

v/s

1. Public Information Officer
Secretary Village Panchayat Calangute,
(Mr. Bagkar)
Naikavaddo, Calangute,
Bardez - Goa. 403 516

2. Block Development Officer-II
(Mr. Vaigankar), 2nd floor,
Govt. Office Complex.
Mapusa, Bardez - Goa.

.... Respondents

Relevant emerging dates:

Date of Hearing : 29-10-2019

Date of Decision : 29-10-2019

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 28/05/2019 inwards on 28/06/2019, sought certain information under Section 6(1) of the RTI Act, 2005 from the Respondent PIO, Village Panchayat Calangute, Bardez Goa. The Appellant *inter alia* is seeking information about property records pertaining to the plot/premises known as "Colonia Santa Maria" Cobravaddo Calangute Goa including the Approved plans for the plot/premises, house tax records for last two years and IOD/BC/CC and OC on basis of which the plan is approved.
2. It is seen that the PIO vide reply no. VP/CAL/F-53/19-20/1449 dated 23/07/2019 informed the Appellant that the approved plans and related property records for the plot/premises known as "Colonia Santa Maria" Cobra vaddo, Calangute is not available.
3. Not satisfied with the reply of the PIO, the Appellant thereafter filed a First Appeal on 09/07/2019 and the First Appellate Authority (FAA) vide his Order dated 21/08/2019 directed... ...2

.... the PIO to allow inspection of the records pertaining to the RTI Application within 10 days from the receipt of the order and upon inspection the Appellant is to put up in writing the information and certified copies of information documents which she desires and which shall be furnished by the PIO within 8 working days after inspection.

4. It is the case of the Appellant that despite the Order of First Appellate Authority (FAA), the PIO has not given any inspection nor furnished information and being aggrieved, the Appellant has filed a Second Appeal before the Commission registered on 11/09/2019 and has prayed to direct Respondent No.1 to provide inspection and thereafter copies of the records as requested and for penalty and directions to file FIR for missing records and compensation and other such reliefs.
5. **HEARING:** During the hearing the Appellant Shri Xavier Lopez is present in person. The Respondent PIO Shri. Raghuvir Bagkar, Secretary, Village Panchayat Calangute is also present. The FAA is hri. Deepak P. Vaigankar, B.D.O is present alongwith Shri. Umesh Shetgaokar V.P Secretary H.Q. B.D.O. Bardez.
6. **SUBMISSION:** The Appellant submits that he has been informed that the said file is not traceable and hence information cannot be furnished and requests the Commission to issue directions to the PIO to once again search for records and if such records are available then to furnish information and also directions for inspection of the files.
7. The PIO submits that the Appellant has sought information about the premises known as "Colonia Santa Maria" Cobravaddo Calangute Goa including the Approved plans for the plot/premises, house tax records for last two years and IOD/BC/CC and OC on basis of which the plan is approved but has not provided the details of survey numbers, ward and other particulars pertaining to the property/premises and as such it was not possible to trace information merely on the basis of name of premises and as such since the information was not available the same could not be furnished.

8. Shri. Raghuvir Bagkar further stated that he is willing to co-operate with the Appellant and would allow inspection of all files and also undertake to search the records and if the information is in the records he would furnish the same. The FAA Shri. Deepak P. Vaigankar states that he has passed an Order dated 21/08/2019 and had given directions to take inspection of the file and take information documents as desired from the records and maintains whatever is stated in the order.

9. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on records agrees with the submission of the PIO and indeed finds that the Appellant has sought information in 'vague manner' by asking information of premises known as "Colonia Santa Maria" Cobravaddo Calangute, Goa without providing details of survey numbers, ward and other particulars pertaining to the property/premises and as such it was not possible for the PIO to trace the information merely on the basis of name of resort and as such since the information was not available the same could not be furnished.

DECISION: As the Appellant has requested inspection of the files and to which the PIO has no objection, the Commission accordingly directs the Appellant to approach the Office of the PIO with prior consent of the PIO and to take inspection, so as satisfy himself, if the said information is available or not. The PIO is directed to provide full co-operation and if the information is available then to furnish the same within 30 days of the receipt of the order. In case the information is not available the PIO will send an intimation to the Appellant accordingly.

With these directions the Appeal case stands disposed.

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**

