

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 81/2018/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,
Government Complex, Mapusa,

..... Respondents

Relevant emerging dates:

Date of Hearing : 21-02-2019

Date of Decision : 21-02-2019

ORDER

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 03/01/2018 sought certain information u/s 6(1) of the RTI Act, 2005 addressed to the PIO, Secretary V.P Arpora-Nagoa, Bardez-Goa to provide the certified copy of the Site Inspection report of the site inspection carried out by the Panchayat members on 13/11/2017 in regards to the proposed construction of residential project Block A and B of Mrs. Rose R.P. de Souza in S. No. 87/28 and S.No.87/29 of Village Arpora and to provide with the names of the inspection team of the Panchayat that carried out the site inspection on 13/11/2017 in regards to the aforementioned proposed construction.
2. It is seen that the PIO vide reply letter NO.VP/AN/RTI/17-18/1833 dated 22/01/2018 informed the Appellant with regard to point No.1 that the information of site inspection report is not available. With regard to information at point 2, the PIO requested the Appellant to be specific and give details of the documents/letter of whose information is sought.

3. Not satisfied with the reply of the PIO the Appellant filed the First Appeal on 08/02/2018 and First Appellate Authority (FAA) vide an Order dated 13/03/2018 allowed the First Appeal and directed the Respondent PIO to furnish the information sought by the Appellant vide his RTI application dated 03/01/2018 within seven days of this Order, free of cost
4. The FAA in the last paragraph of the Judgment has observed thus: "I have perused the Appeal memo and heard the arguments of the Appellant and I am of the opinion that the respondent is required verify the records of the Village Panchayat Arpora-Nagoa and accordingly provide the information sought by the Appellant vide his RTI application dated 03/01/2018, as available in his office".
5. Being aggrieved that despite the order of the FAA, the PIO has neglected to provide the information, the Appellant thereafter has approached the Commission by way of Second Appeal registered on 09/04/2018 and has prayed that the information as requested by the Appellant be furnished to him at the earliest free of cost and for penalty, Compensation and other such reliefs.
6. **HEARING:** This matter has come up before the Commission on 6 previous occasions and at the request of the Appellant is taken up for final disposal. During hearing Appellant Shri Peter Paul D'Souza is present in person and the Respondent PIO, Secretary V.P. Calangute is represented by Advocate S. Morajkar holding for Adv. Siddesh R. Prabhudessai who undertakes to file letter of authority.
7. **SUBMISSION:** At the outset the Appellant submits that mere statement by the PIO stating that site inspection report is not available and amounts to denial of information. It is further submitted that the FAA had issued directions to provide the information within seven days and the same has not been complied.

8. **DECISION:** The Commission has perused the Order passed by the First Appellate Authority on 13/03/2018 and finds that 'No intervention is required with the Order of FAA'. The PIO is directed to once again verify the records of the V.P. Arpora- Nagoa so as to ascertain whether any site inspection was carried out by the Panchayat Members on 13/11/2017 in survey No.87/28 and Survey No.87/29 of V.P. Arpora. If the site inspection was done the PIO is directed to furnish copy of the site inspection report which will also contain the names of the inspection team within 20 days of the receipt of the Order, in any case latest **by 25th March, 2019.** In case if no site inspection was carried out on the said date and in the said survey, then the PIO is directed to inform the Appellant accordingly also within 20 days of the receipt of the Order.

With these directions the Appeal case accordingly 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.

(Juino De Souza)
State Information Commissioner

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 86/2018/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,
Government Complex, Mapusa,

..... Respondents

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ORDER

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 13/02/2018 sought certain information u/s 6(1) of the RTI Act, 2005 addressed to the PIO, Secretary V.P Arpora-Nagoa, Bardez-Goa with regard to an application having inward no 2439 dated 15/01/2018 and the appellant is *inter alia* seeking information regarding the date of the meeting on 03/01/2018 , certified copy
2. It is seen that the PIO vide reply letter NO.VP/AN/RTI/17-18/1833 dated 22/01/2018 informed the Appellant with regard to point No.1 that the information of site inspection report is not available. With regard to information at point 2, the PIO requested the Appellant to be specific and give details of the documents/letter of whose information is sought.

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3. Not satisfied with the reply of the PIO the Appellant filed the First Appeal on 08/02/2018 and First Appellate Authority (FAA) vide an Order dated 13/03/2018 allowed the First Appeal and directed the Respondent PIO to furnish the information sought by the Appellant

vide his RTI application dated 03/01/2018 within seven days of this Order, free of cost

4. The FAA in the last paragraph of the Judgment has observed thus: "I have perused the Appeal memo and heard the arguments of the Appellant and I am of the opinion that the respondent is required verify the records of the Village Panchayat Arpora-Nagoa and accordingly provide the information sought by the Appellant vide his RTI application dated 03/01/2018, as available in his office".
5. Being aggrieved that despite the order of the FAA, the PIO has neglected to provide the information, the Appellant thereafter has approached the Commission by way of Second Appeal registered on 09/04/2018 and has prayed that the information as requested by the Appellant be furnished to him at the earliest free of cost and for penalty, Compensation and other such reliefs.
6. **HEARING:** This matter has come up before the Commission on 6 previous occasions and at the request of the Appellant is taken up for final disposal. During hearing Appellant Shri Peter Paul D'Souza is present in person and the Respondent PIO, Secretary V.P. Calangute is represented by Advocate S. Morajkar holding for Adv. Siddesh R. Prabhudessai who undertakes to file letter of authority.
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ascertain whether any site inspection was carried out by the Panchayat Members on 13/11/2017 in survey No.87/28 and Survey No.87/29 of V.P. Arpora. If the site inspection was done the PIO is directed to furnish copy of the site inspection report which will also contain the names of the inspection team within 20 days of the receipt of the Order, in any case latest **by 25th March, 2019.** In case if no site inspection was carried out on the said date and in the said survey, then the PIO is directed to inform the Appellant accordingly also within 20 days of the receipt of the Order.

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Sd/-
(Juino De Souza)
State Information Commissioner