

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

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**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,  
Bardez – Goa.

**..... 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 15/01/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from to the PIO, Secretary V.P Arpora-Nagoa, Bardez-Goa. The information pertains 05 points. (1) Please provide me the date of the Panchayat meeting in which the file of Mrs. Rose R. P. de Souza came up for discussion. (2) Please provide me with certified copy of the Panchayat resolution taken to refer the construction file of Mrs. Rose R. P. de Souza to the Panchayat lawyer for legal advice. (3) Please provide me with the date of the file of Mrs. Rose R. P. de Souza was submitted for legal advice. (4) Please provide me with the information the amount paid by the Panchayat to the Panchayat Lawyer to obtain legal advice regarding the construction file of Mrs. Rose R. P. de Souza. (5) Please provide me the date of Shrikrishna R. Nagvekar became the Sarpach of Village Panchayat of Arpora– Nagoa.

2. It is seen that the PIO vide reply letter No: VP/AN/RTI/17-18/1964 dated 13/02/2018 furnished information to the Appellant on all five points. The PIO has informed in point no 1) that the date of meeting is 03/01/2018, in point no 2) Certified copy of the resolution no. 9 (17) dated 03/01/2018 was enclosed, in point no 3) the PIO stated that the information of date is not available, in point no 4) it was informed that the information of the amount paid by the Panchayat to the lawyer is not available and in point no 5) it was stated that Shrikrishna R. Nagvekar was appointed the sarpanch of the village Panchayat Arpora-Nagoa on 19/06/2017.
3. Not satisfied with the reply of the PIO the Appellant filed the First Appeal on 19/02/2018 and First Appellate Authority (FAA) vide an Order dated 13/03/2018 allowed the First Appeal and directed the Respondent PIO to provide information sought by the Appellant at point no. (3) of his RTI application dated 15/01/2018 within seven days of this Order, free of cost.
4. **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.
5. **SUBMISSION:** At the outset the Appellant submits that the PIO has not furnished information at point No. 3 of his RTI application and instead has stated that the information about the date is not available. The Appellant also submits that the same information at point No. 3 was furnished by the PIO in another case pertaining the Block Development Officer (BDO) as directed by the Human Right Commission. The Appellant submits a copy of the said reply dated 04/04/2018 to a notice dated 23/03/2018 before the Commission which is taken on record.

6. **FINDINGS:** The Commission has perused the material on record and after hearing the submission of the Appellant finds that only information remaining to be furnished by the PIO is regarding information at point No.3 which is " provide me with dated the file Rose R. P. de Souza submitted for legal advice"
7. The PIO has furnished reply stating that the information at point no 3 is not available. The Commission also finds that the evidence furnished by the Appellant w.r.t a reply of the PIO, Shri. Raui Cardozo dated 04/04/2018 in another case of a notice dated 23/03/2018 bearing No.1/ADM/BDO-BAR/Hum-Rts/2017-18 wherein in point No.5 it has been stated that the file was sent to Advocate Siddhesh Prabhudesai on 05/03/2018 who took time to study the file and called for meeting of the Panchayat Body in order to discuss the matter does not specifically state that the said file is of Mrs. Rose R. P. De Souza.
8. **DECISION:** However, the Commission directs the PIO to once again verify if information at point No.3 of the RTI application dated 15/01/2018 about the date on which the file of Mrs. Rose R. P. de Souza was submitted for legal advice is available in the records of the Panchayat. If the said information is available, then the PIO is directed to furnish the same within 20 days of the receipt of the Order, in any case latest **by 25<sup>th</sup> March, 2019.** In case the information on the 'date' is not available, 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.

Sd/-

**(Juino De Souza)**  
**State Information Commissioner**