

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

Shri Prashant S. P. Tendolkar,

State Chief Information Commissioner

Appeal No.240/2018/CIC

Amul Prakash Mainkar,
R/o. H.No. 10/12, Chikilim,
Colvale, Bardez-Goa.

....

Appellant

V/s

1) The Public Information Officer,
Administrator of Comunidade,
North Zone Mapusa,
Mapusa – Goa.

2) The First Appellate Authority,
Additional Collector-II,
Collectorate of North Goa District,
Panaji-Goa.

.....

Respondents

Filed on:03/10/2018

Disposed on:16/05/2019

- 1) The appellant herein by his application, dated 10/05/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, in the form of certified copy of auction written in book of contract of comunidade of Colvale of the year 1965 on page 69 and 69. The PIO by memo, dated 23/05/2018 sought the assistance from the clerk of Comunidade of Colvale. However no information was furnished by PIO or said clerk.
- 2) As the said application was not responded within time, deeming the same as refusal, appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

Sd/-

...2/-

- 3) The FAA by order, dated 13/08/2018, allowed the said appeal and directed PIO to furnish the information.
- 4) In spite of said order the PIO failed to furnish information. The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.
- 5) Notices were issued to the parties, pursuant to which they appeared. The PIO on 12/03/2019 filed reply to the appeal wherein the fact that he has sought assistance from the clerk of comunidade of Colva was admitted.
- 6) On an application filed by appellant on 05/02/2019, the clerk of Comunidade of Colvale was joined as a party to the proceedings and was notified.
- 7) The Clerk of Comunidade of Colvale on 26/03/2019 filed his reply. Vide his said reply it was his contention that he was holding additional charge of five comunidade in addition to charge as Acting Secretary of Administrator of Comunidade of North Zone. According to him records are in Portuguese and hence he could not provide information. He has offered to grant inspection to the appellant of the records of the concerned comunidade.
- 8) Adv. Dinesh Naik appeared for the appellant. Neither the PIO nor the Clerk appeared for arguments and hence the arguments on behalf of appellant were heard. Adv. Naik submitted that the Clerk of the Comunidade, who has become the deemed PIO, by his reply filed in this appeal has undertaken to furnish the information and hence orders can be passed accordingly. Adv. Naik submitted that the appellant is interested only in information and

Sd/-

...3/-

hence in case information is ordered to be furnished the appellant does not press for the prayers (b) and (c) of his appeal.

- 9) Considered the arguments and the pleadings of the parties. In the present case the information pertained to Comunidade of Colvale assistance was sought from the clerk of Comunidade of Colvale u/s 5(4) of the act. Being so, by operation of section 5(5) of the act the Clerk of Comunidade of Colvale is required to be treated as the PIO. However he was not joined as a party to the first appeal filed by the appellant.
- 10) However, in the present appeal the Clerk of Comunidade of Colvale has expressed remorse and has undertaken to furnish the inspection. According to his reply, the records are in Portuguese language and hence he could not provide the information. Advocate for appellant has also expressed his interest only in getting information.
- 11) Considering the above position and the submissions of appellant and further considering the willingness of PIO to furnish the information and without going to the other aspects of the appeal and further with a view to achieve the basic aim of the act being to provide the information, I am of the opinion that the clerk of Comunidade of Colvale is directed to furnish the information in the form of inspection of records and thereafter by furnishing the copies of the documents as are sought by appellant.
- 12) In the above circumstances, while disposing the present appeal, I hereby:

Sd/-

...4/-

O R D E R

Clerk of Comunidade of Colvale, Bardez is hereby directed to furnish to the appellant free of cost, the inspection of Books of contract (contrato's) of Comunidade of Colvale of the year 1965 on page 68 and 69 and further to furnish the certified copies of the concerned records, within 15 (fifteen) days from the date of receipt of this order.

Prayers (b) and (c) of the appeal are dismissed.

Order to be notified to parties.

Proceedings closed. Pronounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa