

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 29/2019/SIC-II

Adv.Sayeli G. Bandodkar,
No. 3, Fourth Floor,
Bhanav Apartment, Near Axis Bank Ltd.,
Dr. Shirgaonkar Road,
Panaji – Goa.

..... Appellant

v/s

1. Public Information Officer,
Office of the Deputy Collector &
Sub Divisional Officer,
Panaji Sub Division, Panaji - Goa.

2. First Appellate Authority,
The Deputy Collector & Sub
Divisional Officer,
Panaji Sub Division, Panaji - Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-06-2019

Date of Decision : 20-06-2019

O R D E R

1. **BRIEF FACTS of the case** are that the Appellant vide an RTI application dated 19/10/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, Office of the Deputy Collector & Sub Divisional Officer, Panaji - Goa. The information pertains to 1) Copy of Order dated 08/09/2000 passed by Deputy Collector & Sub Divisional Officer, Panaji Goa in Case no.LND/PART/14/2000 Shri. Agnelo Rodrigues V/S Ministry of Surface Transport & Others and 2) Copy of the entire Roznama proceeding of the Case no.LND/PART/14/2000 Shri. Agnelo Rodrigues V/S Ministry of Surface Transport & Others.

2. It is the case of the Appellant that no reply nor information was received from the PIO, as such a First Appeal dated 14/12/2018 was filed and being aggrieved that the First Appellate Authority (FAA) has not passed any order, the appellant has filed a Second Appeal with the Commission registered on 30/01/2019 and prayed to direct the Respondent PIO to furnish the information and for imposing penalty and other such reliefs.

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3. **HEARING:** This matter by consent is taken up for final disposal. During the hearing the Appellant Adv. Sayeli G. Bandodkar, is present in person. The Respondent PIO, is represented by Shri. Pramod Shetye, Head Clerk, with the Public Authority.
4. **SUBMISSIONS:** At the outset Appellant submits that no information was furnished even after 30 days of filing the RTI application and even on filing a First Appeal, the First Appellate Authority (FAA) has not passed any order and that directions be given to the PIO, to furnish information free of cost.
5. The representative for the PIO in his submission states that after receiving the RTI application, the PIO has furnished a reply No.1/RTI/DYC/PNJ/2018/3155 dated 1/11/2018 within 30 days period informing the Appellant to collect the information documents on making necessary payment. It is further submitted that the Appellant has not approached the PIO and neglected to collect the information documents.
6. At this juncture, the Appellant submits that after filing of the First Appeal, she was called by the then Head Clerk to collect the information documents, however although she approached the Office of the Head Clerk no information was furnished to her.
7. The representative for the Respondent PIO submits that the clients of the Appellant one Mr. John Estrochio had filed a similar RTI Application dated 09/05/2019 and also sought information of the same partition file No. LND/PART/14/2000 and that the information pertaining to the said file is already furnished. It is also submitted by the representative for the PIO that the information is ready and furnishes a xerox copy of the roznama and the order passed in the Partition file No. LND/PART/14/2000 which is taken on record of the file and one copy is handed over to the Appellant. The Appellant however insist for a certified copy of the same.

8. **FINDINGS:** The Commission after perusing the material on record and after hearing the respective parties comes to the conclusion that the Respondent PIO had although vide letter dated 01/11/2018 called upon the Appellant to collect the information documents, however as the said letter was not received by the Appellant perhaps the information could not be collected. In any case as the representative for the Respondent PIO has furnished a xerox copy of the roznama and the order passed in the Partition file No. LND/PART/14/2000 which is handed over to the Appellant. The Commission also finds that the issue regarding an RTI Application of John Estrocio and the information furnished to him regarding the Partition file No. LND/PART/14/2000 is totally a separate issue and is irrelevant and has nothing to do with the present case and the RTI Application filed by the Appellant.
9. **DECISION:** The Commission accordingly directs the Respondent PIO to furnish certified copy of the roznama and the order passed in the Partition file No. LND/PART/14/2000 to the Appellant within 15 days of the receipt of the order by speed post. The Respondent PIO will file a compliance report to this Commission after dispatch of the said information documents to the Appellant by speed post.

With these directions the said appeal case 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