

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.150/SIC/2011

Smt. Judith Almeida,
R/o. H. No.257/1, Bagdem, Ward 3,
Colva, Salcete – Goa.

..... Appellant

v/s

1. Public Information Officer,
Secretary, Village Panchayat of Colva,
Colva, Salcete – Goa.

2. First Appellate Authority,
Block Development Officer,
O/o Block Development Officer,
Salcete, Margao – Goa

..... Respondents

Relevant emerging dates:

Date of Hearing: 21-01-2019

Date of Decision: 21-01-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 07/02/2011 addressed to the PIO, O/o Secretary, V.P. Colva and sought information under Section 6(1) of the RTI Act, 2005 at six points. The information sought is as follows:

1. What is the total number of Commercial structure i.e Hotels, Restaurants, Resorts and any commercial establishments within the No Development Zone also read as within the 200 mts. High Tide ? Please Specify number of permanent and temporary Commercial structure separately.
2. Which of these structures have been granted Licences after February 1991? Kindly mentioned the names of the Commercial structure specifying a) If they have been granted new Construction Licences or b) For Renovation, repair or reconstruction if granted, copy of the site Plan.
3. Certified copies of the Licence to construct and occupancy certificates and dates of the first trade tax paid, kindly list the same.
4. Name the Commercial structures identified and issued show cause notices in the matter of CRZ violation in Suo Moto Petition of 2 of 2006 before the High Court.
5. Name the Commercial structures identified for demolition or any which have been demolished specify those that needed part demolition as per High Court Order.
6. Certified copies of the site Plan, Licence to construct, occupancy certificates of the following structures which stand in the name of ; a) Mr. Ashok Patel, Sy.No.53/1, b) Ashok Kumar Vaid, Sy.No.53/2, c) capt.J.P.Dias.

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2. It is seen that the PIO vide Reply letter No.VP/SVCG/2439/10-11 dated 05/03/2011 as per 7(1) of the RTI Act is within mandated 30 days period informed the Appellant that the documents are kept ready and to collect the same on any working days from the office. It is further seen that the PIO, vide letter No. VP/SVCG/2438/10-11 dated 05/03/2011 has furnished the information to the Appellant as follows:-

1. Permanent Structures are 63 as per the Trade tax record from the year 1991 onwards, but temporary N.O.C / Licences Register is maintained by the Panchayat, as issued N.O.C's are maintained in the file, latest N.O.C's whatever available is submitted herewith.
2. As regards to question 2 & 3, this question is too vague and not specific. For this the Question is wide and information coming under the same is voluminous and entire staff will have to be employed, but the list enclosed of first Trade Tax paid from 1991 onwards as per Trade Tax Register of the Panchayat record. Specific names of the person may be mentioned in respect to const. & occupancy granted.
3. As regards to Question No. 4 & 5 Copy enclosed.
4. Copies of site Plan /Licence/Occupancy of Capt. J. P Dias & whereas letters are been sent to Mr. Ashok Patel & Ashok Kumar Vaid regarding to their construction information as the required documents are not traceable in the respective files, copies enclosed.

3. Not being satisfied with the information furnished by the PIO, the Appellant filed a First Appeal before the First Appellate Authority, B.D.O.- Salcete Margao on 09/03/2011 on the ground that no information was furnished by the PIO as per the RTI act and to take action.

4. It is seen that the First Appellate Authority (FAA), after issuing notices to both the Appellant and the Respondent PIO, disposed off the first appeal by an Order dated 13/04/2011 directing the PIO. V.P. Secretary of V.P. Colva to provide the information free of cost to the Appellant in respect of point No.02 of the RTI application dated 07/02/2011 within 15 days.

5. Being aggrieved that the direction of the First Appellate Authority is not complied, the Appellant thereafter filed a Second Appeal on 05/07/2011 and has prayed that the Respondent No. 1 be directed to furnish correct and complete information sought by the Appellant Authority immediately free of charge and for penalty and other such reliefs.
6. **HEARING:** This old matter has come up before the Commission on numerous previous occasions and hence it is taken up for final disposal. During the hearing the appellant is absent. It is seen from the Roznama that the Appellant has continuously remained absent since 11/07/2016 without intimation to this Commission. It appears that the Appellant is not interested in pursuing the appeal case. The Respondent PIO. V.P. Secretary, Colva, Sandhya Shirodkar is present in person.
7. **SUBMISSIONS:** The Respondent PIO submits that on receipt of the RTI application, the former PIO vide Reply No.VP/SVCG/2439/10-11 dated 05/03/2011 informed the Appellant that the documents are kept ready and to collect the same on any working day from the office. It is further submitted that the PIO by another letter No. VP/SVCG/2438/10-11 dated 05/03/2011 furnished the information to the Appellant on all six points.
8. The PIO also submitted that the Appellant has also filed the First Appeal on 09/03/2011 and that the First Appellate Authority after conducting the hearings on 22/03/2011, 28/03/2011, 05/11/2011 and 07/04/2011, passed an Order dated 13/04/2011 directing the PIO to provide information free of cost to the Appellant in respect to point No.2 and that pursuant to the Order of the First Appellate Authority the information at point No.2 was also furnished by the PIO vide a letter dated 24/06/2011 and as such all information has been furnished to the appellant.
9. The PIO furnishes a reply dated 10/01/2016 confirming the facts which copy is taken on record of the file.

10. **FINDINGS:** The Commission after hearing PIO and perusing the material on record including: reply dated 14/12/2011 filed by the advocate for the Respondent No 1 and reply No. VP/SVCG/2438/10-11 dated 05/03/2011 finds that the information was furnished to the Appellant on all six points. The Commission also finds the pursuant to the directions of the FAA, the PIO has furnished information at point no 2 to the appellant vide letter dated 24/06/2011.
11. As stipulated in the RTI Act, the role of the PIO is to provide information as is available in the records and which the PIO has furnished. Thus the PIO cannot be faulted in anyway and as such the question of imposing penalty does not arise. The Appellant was afforded several opportunities to present the case before the Commission, however by remaining absent has failed to avail the opportunities.
12. **DECISION: In view that information as available in the records has been furnished by the PIO, nothing further survives in the appeal case which accordingly stands disposed.**

Consequently, the prayer of the appellant in terms of d) for imposing penalty stands rejected.

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