

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

Shri Prashant S. P. Tendolkar,

State Chief Information Commissioner

Appeal No.205/2017/CIC

Shri Bharat L. Candolkar,
Vady, Candolim,
Bardez-Goa.

..... Appellant

V/s

1) The Public Information Officer,
Dy. Collector of Bardez,
Mapusa-Goa 403507.

2) The First Appellate Authority,
The Additional Collector II North,
Panaji –Goa 403001.

..... Respondents

Filed on:01/12/2017

Decided on:05/07/2019

O R D E R

1) The appellant herein by his application, dated 03/07/2017, filed u/s 6(1) of The Right to Information Act 2005(Act) certain information at points (1) and 2)(a) to (e). Said information was sought in reference to letter No.MAM/BAR/CI-II/ILLE/4984/ 2017/1632 pertaining to Shri Rui Da Gama and M/s Gama Builders Pvt. Ltd. Candolim copy of the said letter referred was enclosed.

2) The APIO, initially by letter dated 18/07/2017 informed that the application is under process and vide letter, dated 01/08/2017 called upon appellant for clarification.

3) The appellant filed first appeal on 18/08/2017 interalia contending therein that the appellant has received reply on 18/07/2017 but it was incomplete information.

Sd/-

...2/-

- 4) The First Appellate Authority (FAA) by order, dated 29/09/2017 directed the PIO to furnish the information free of cost.
- 5) In spite of the said order of FAA, as the information was not furnished, the appellant has approached this Commission in this second appeal.
- 6) Alongwith the appeal memo the appellant has annexed copy of application dated 03/07/2017 with annexure, the reply of PIO dated 18/07/2017 and another reply of APIO, dated 01/08/2017 , the First Appeal Memo.
- 7) On notifying the parties they appeared. PIO filed reply. on going through the records in the course of hearing this appeal, the PIO filed on record the information as sought. It was also noted in the course of hearing that there were some ambiguity in the application filed by appellant which were directed to be clarified. Further in view of the ambiguity of the information sought as expressed by PIO, he was directed to grant inspection of files to the appellant so that the subject matter of the information could be properly identified.

During the subsequent hearing it was submitted by the PIO that the subject matter in respect of which information is sought is dealt with by other authority under CRZ Regulation based on Complaint filed by another person viz. one Shri Toraskar. Advocate for Appellant admitted having inspected the file pertaining to the complaint filed by Shri Toraskar. On account of ambiguity arising due to complaint filed by two different parties in respect of same subject a clarification was sought from the PIO on an affidavit. Accordingly on 03/07/2019, PIO filed affidavit. Copy of the same was furnished to Adv. Mandrekar for appellant.

Sd/-

...3/-

8) Vide said affidavit more particularly at para (6) thereof it is clarified by PIO that there was no separate checklist filed by Mamlatdar in respect of illegal conversion on the complaint filed against Gama Builders and Rui da Gama and that the complaint was filed under provision of CRZ notification and same is disposed.

9) On considering the above averments it is seen that the information as was sought was not generated at the respondent Authority, hence the same does not exist. Hence any order to furnish any information would result in a direction to furnish non existing information and would be infructuous.

10) In the above circumstance the appeal being redundant is required to be disposed accordingly, which I hereby do.

11) Before parting with this order, I would like to mention that the PIO and/or the other persons from whom the information was sought was required to verify the records and decide the application. In this case APIO is found to have responded to the application in a casual manner, which is unwarranted under the Act.

PIO is therefore directed to be diligent in dealing with the applications under the act and also issue instructions to the concerned staff. In case of any violation or lapse on the part of the staff should be viewed seriously.

12) With the above observations, the appeal stands disposed. However, the right of appellant to seek further information if required are kept open.

Order be communicated to parties.

Proceedings closed.

Sd/
(Shri. P. S.P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji -Goa

