

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

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner

Appeal No.216/2018/CIC

Mr. Bharat L. Candolar,
Vady, Candolim,
Bardez -Goa.

..... Appellant

V/s

- 1) The Public Information officer,
State Registrar cum Notary Head Quarters,
Registrar of Notaries 7th floor,
Shram Shakti Bhavan Patto,
Panaji-Goa.
- 2) The Public Information Officer,
Civil Registrar-cum-Sub Registrar,
Mapusa, Bardez -Goa.
- 3) The First Appellate Authority,
State Registrar,
Registrar of notaries 7th Floor,
Shram Shakti Bhavan Patto,
Panaji-Goa.

..... Respondents.

Filed On: 11/09/2018

Disposed On: 30/04/2019

O R D E R

- 1) The appellant herein has sought from the respondent No.1 certain information in the form of certified copies. The said application which is dated 12/01/2018 was transferred by respondent No.1 to respondent No.2 u/s 6(3) of the Right to Information Act 2005 (Act) by letter, dated 23/01/2018. According to appellant no reply was received by him and hence he filed first appeal. Pending the said first appeal, by letter, dated 22/02/2018, the respondent no.1 informed that part of the information at point (1), that is the power of attorney is not traceable.

Sd/-

...2/-

The first appellate Authority by order dated 01/08/2018, while disposing the appeal directed the PIO to conduct inquiry. It is hence according to appellant that the respondent No.2 failed to furnish the complete information and thus has failed to follow the mandate of the act. The present second appeal is hence filed by appellant u/s 19(3) of the act.

- 2) On issuing notices to parties the parties filed replies. The respondent No.1 filed his reply on 13/12/2018. The said reply gives the sequence of events. However said contentions are not material as respondent No.1 is the PIO who has transferred the application u/s 6(3) of the act and whose contentions are not based on personal knowledge or records but as are furnished by the transferee PIO i.e. the respondent no 1. Hence the contention as raised by respondent No.2, who has in fact dealt with the application u/s 6(1) of the act, would be material.
- 3) The respondent No.2 filed his reply on 20/11/2018. It is his contention therein that he replied the application of appellant on 22/02/2018 after conducting search of records. According to him the Sub Registrar Bardez, Mapusa Shri Arjun Shetye had conducted enquiry as per the order passed by first Appellate Authority and has submitted the report. He further submitted that a personal inspection was given to appellant and he also could not find the copy of the concerned power of attorney which was referred in the sale deed.

It is further according to respondent No.2 that the application was disposed within statutory period and

Sd/-

...3/-

inspection was given to appellant and inquiry was conducted in respect of missing files. According to him presently the records are stored in electronic format.

- 4) As per the contentions of parties, during the hearing it was noticed that the information at part of point (1), 2(a), (b) (c) and (d) was found to have been not furnished as it was not available in office records. Hence to prove said facts and in exercise of my powers under Rule 5 (i) of The GSIC Appeal Procedure Rules 2006, the respondent No.2 was directed to submit written evidence on oath in the form of affidavit. Accordingly he filed the affidavit on 06/02/2019.

Vide his said affidavit he has narrated the said sequence of events as stated by him in his reply to appeal.

- 5) I find no grounds to discard or disbelieve the affidavit of the respondent No.2. Adv. Mandrekar for the appellant in the course of his submissions submitted that he does not dispute that as on date the information as sought at points (1) (part), 2(a) to 2(d) not available in the records. According to him being a public office a responsibility should be fixed on the erring official for not maintaining the records.

I am in agreement with this submission of Adv. Mandrekar. However on going through the records it is found that the First Appellate Authority has already directed to hold an inquiry. It is further noticed from records that pursuant to said order one Shri Arjun Shetye, Sub Registrar Mapusa has conducted inquiry and the report is also found have been submitted. In this circumstances any order to direct to conduct an inquiry is superflous.

Sd/-

...4/-

However considering the report as submitted by the inquiry officer Shri Arjun Shetye, I find that he has recommended certain procedure to be adopted for avoiding such lapses. Such recommendations are required to be implemented on urgency bases.

- 6) In the fact and circumstances of the case I find that as the documents in respect of which the copies/information is sought, does not exist as of now, any order directing issuance of such records would be redundant.

The office of the State Registrar and Head of notary services Goa, shall implement the recommendation of the inquiry officer Shri Arjun S. Shetye Civil Registrar cum Sub Registrar Bardez Mapusa, as per his report dated 28/08/2018, if not yet implemented.

With the above direction, appeal stands disposed accordingly.

Notify the parties.

Proceedings closed.

Pronounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa