

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.231/2018/SIC-II

Mr. Pascoal A. Soares,
5 Joe Leitao Residency,
Naika Vaddo, Calangute,
Bardez Goa 403516

.... Appellant

v/s

1. The Public Information Officer,
Village Panachayat of Calangute,
Bardez Goa 403516

2. First Appellate Authority,
Block Development Officer,
Mapusa Bardez Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 26-03-2019

Date of Decision : 26-03-2019

O R D E R

1. **Brief facts** of the case are that the Appellant Mr. Pascoal A. Soares vide an RTI Application dated 13/02/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Village Panachayat of Calangute, Bardez Goa. The information is at 5 points and the appellant is seeking information regarding (1) The Licence along with the plans issue by the Panchayat vide VP/CAL/F-17/17-18/L- /244 dated 21/04/2017. (2) The Sanad no. RB/CNV/BAR/94/2005 dated 13/04/2007. (3) NGPDA Licence/ Plans no. NGPDA/CAL/44/295/524/17 dated 31/08/2017. (4) Was the Licence /Plans approved in the Panchayat body, if so please issue me the resolution copy of the same or any other documents. (5) If the said Licence was issue during the time of Administrator was the Administrator taken in confidence or not by the Secretary.

2. It is the case of Appellant that as no information was furnished by PIO, as per 7(1), the Appellant filed First Appeal on 05/06/2018 and First Appellate Authority (FAA) disposed off the matter on 28/06/2018 by directing the PIO to furnish the information within 7 days from the receipt of this order free of cost.

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3. Being aggrieved that despite the directions of First Appellate Authority (FAA) dated 28/06/2018, the PIO has not provided information, the Appellant subsequently filed a Second Appeal before the Commission registered on 27/09/2018 and has prayed for penalty and other reliefs.
4. **HEARING:** This matter is by consent taken up for final disposal. During the hearing the Appellant Mr. Pascoal A. Soares is present. The Respondent PIO is represented by Adv. Sheetal Sangale.
5. **SUBMISSION:** At the outset the Appellant submits that the information provided by PIO vide letter Ref. No. VP/Cal/F-53/18-19/5419 dated 13/03/2019 states that information at point no. 3 and 5 is not available and which is incorrect. The Appellant further submits that there is a gross delay of 11 months in furnishing information and which was furnished only after filing of the Second Appeal. The Appellant however submits that although he has prayed for penalty he does not want to press for the penalty charges.
6. Adv. Sheetal Sangale per contra submits the pursuant to directions given by FAA, the PIO has vide reply letter Ref. No. VP/Cal/F-53/18-19/5419 dated 13/03/2019 furnished all information on all 5 points. It is submitted that the information on point nos. 1,2 and 4 were enclosed and at point no. 3 and 5 the PIO had stated as 'not available' and that the Appellant has received the information on 13/03/2019 by endorsing his signature.
7. **FINDINGS:** The Commission after perusing the material on record and after hearing the submission of the respective parties finds that there is a gross delay of 11 months in furnishing the information and which is totally unwarranted and uncalled. The FAA had passed order on 28/06/2018 directing the PIO to furnish information within 7 days and which the PIO has not complied and instead has furnished information on 13/03/2019 only after filing of the Second Appeal.

8. **DECISION:** The Commission takes a serious view and is inclined to initiate penalty proceedings against the said PIO for initially not furnishing information nor reply as is mandatory u/s 7(1) and further for causing unnecessary delay in furnishing the information, however in view that the Appellant has been gracious enough not to press for the penalty charges against the said PIO, as such Commission takes lenient view and exonerates the PIO of levy of any penalty. The Commission however issues a stern warning to the PIO who is still in government service to be more cautious and vigilant in future while dealing with RTI applications which should be disposed in a time bound manner.
9. As stipulated in the RTI Act, the role of the PIO is to provide information as is available, how is available, what is available and if available in the records. The PIO is not called upon to create some information or do calculation or research or to analyze information so as to satisfy the whims and fancies of the Appellant. As the information as was available has been furnished to the Appellant vide letter No. VP/Cal/F-53/18-19/5419 dated 13/03/2019, **nothing further survives in the appeal case which accordingly stands disposed.**

Consequently, the prayer of the appellant for imposing penalty on the PIO stand 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