

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.243/2019/SIC-II**

Dr. (Ms.) Kalpana V. Kamat,  
Caldeira Arcade, 1<sup>st</sup> floor,  
'B' Block, Bhute Bhat,  
Vasco da Gama–Goa. 403 802.

**..... Appellant**

**v/s**

1.The Public Information Officer,  
Mamlatdar, Satish Prabhu,  
Mamlatdar's Office, Mormugao  
Vasco – Goa 403802.

2. First Appellate Authority,  
Dy. Collector/SDO,  
Paresh Faldessai,  
Mormugao, Vasco – Goa

**... Respondents**

**Relevant emerging dates:**

**Date of Hearing: 21-10-2019**

**Date of Decision: 21-10-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 06/05/2019 sought certain information from the Respondent PIO, O/o Mamlatdar Office, Mormugao, Vasco Da-Gama Goa pertaining to (1) List of full names and full addresses of all persons who has applied for regularization of their houses/ buildings /bungalows within the jurisdiction. (2) Also, Inspection of files regarding the above fees and other details, before seeking the information action desired.
2. It is seen that the PIO, Mamlatdar of Mormugao vide letter No.MAM/MOR/ELN/2019/1070 dated 18/05/2019 informed the appellant that with regard to point no 1, the information does not come under the purview of the RTI act and it amounts to creation of information and regarding point 2 to pay an amount of Rs 1050/- towards inspection of files for 21 regularization files.

3. Not satisfied with the reply furnished by the PIO as being a false and a contrary reply, the Appellant filed a First Appeal on 06/06/2019 and the First Appellate Authority vide an Order dated 15/07/2019 disposed of the said First Appeal by directing the PIO to provided information as sought in the RTI application dated 06/05/2019 within 15 days after obtaining the necessary clarification from the Appellant.
4. Being aggrieved that despite the Order of the First Appellate Authority (FAA), the PIO has not furnished satisfactory information. The Appellant thereafter has filed a Second Appeal before the Commission registered on 05/08/2019 and has prayed for inspection of files and for penalty and other such reliefs.
5. **HEARING:** During the hearing the Appellant Dr.(Ms.) Kalpana V. Kamat is present in person. The Respondent PIO, Satish Prabhu, Mamlatdar, Mormugao is also present in person. The FAA is absent.
6. **SUBMISSIONS:** The Appellant submits that the reply of the PIO at point No.1 & 2 are contradictory to each other. The Appellant further submits that she visited the Office of the Mamlatdar and has clarified the queries as per the direction of First Appellate Authority (FAA) and has received information documents of 93 applicants who have submitted files for regularization of unauthorized structures containing names address, type of property whether residential or commercial or tenated, area, Survey No and village, however the Appellant states that she is not satisfied with the same as it is typed document.
7. It is also submitted that five files were produced before her out of which only one file was inspected and the other files were pulled out and from the said file she has received 42 pages of information document free of cost dully certified on 18/10/2019.
8. The Respondent PIO submits that on 16/08/2019, five files were placed before the Appellant who has inspected one file and has collected 42 pages of information documents that were given free of cost.

9. The Respondent PIO further submits that after the Order of First Appellate Authority, a letter was sent to the Appellant dated 16/08/2019 informing that with regard to point No. 1 the information is ready and can be collected and with respect to point No. 2 it was informed that out of 93 regularization files received from the Office of Dy. Collector for submitting the report, only six files are currently in the office and rest of the four files have been dully submitted back to the Office of Dy. Collector along with signature.
10. The PIO furnishes a copy of the said letter which is taken on record. The Respondent PIO further submits that there is no other information other than available in the office and as such request the Commission to disposed off the said Second Appeal.
11. The PIO finally submits that he has fully cooperated with the appellant and has also given all inspection of all five files and that if the Appellant wants any further information or any further inspection, he is willing to provide and requests the Commission and to dispose the Appeal case.
12. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on record finds that although initially the PIO had not furnish the information in his reply dated 18/05/2019, but subsequently pursuant to the Order of the First Appellate Authority did send a letter to the Appellant dated 16/08/2019 informing that the information at point No.1 is kept ready and to be collected on any working days and regarding point No. 2 it was informed that out of 93 regularization only six files are present in the office.
13. The Commission also finds that whatever information was available, has been furnished by the PIO including a list of 93 applicant whose files were regularized and which is information as sought at point No.1. Although the Appellant has alleged that the said document is a typed copy, the Commission finds that it is a downloaded digital copy of computer printout that does not require any certification.

14. The Commission finally finds that regarding point No.2, the Appellant has already collected 42 pages of information documents pertaining to one file of Mr. Korgaonkar and also admits that some more files were placed before her but the same were removed.
15. **DECISION:** As whatever information was available has been furnished free of cost and there being no other information available, nothing further survives in the appeal case. However as the Respondent is willing to cooperate with the Appellant and allow her inspection of some more files provided the same are available in the office of the PIO and are not sent back to the O/s Dy Collector, the Commission hereby directs the Appellant, if she so desires, to once again approach the office of the Respondent PIO and take inspection of the other files which she claims she has not inspected with the prior permission of the PIO within 20 days of the receipt of this order, latest by 22<sup>nd</sup> November 2019.
16. The Appellant will pay the necessary inspection fees as has been laid down in the RTI rules. The PIO may after collecting some advance deposit may allow inspection of the files. In case the Appellant requires information documents the same may be furnished after collecting the necessary fees as per the notification issued by the Government.

**With these directions the Appeal case stand disposed.**

Consequently the prayer of the Appellant for other reliefs stand rejected.

With these directions 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**