

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No:59/2018/SIC-II

Shri. Nitin Y. Patekar,
Oshal Bag Dhargal,
P.O. Colvale – Goa.

...Complainant

v/s

1. Public Information Officer,
Village Panchayat Dhargal,
Dhargal, Pernem - Goa.
2. First Appellate Authority ,
O/o Block Development Officer,
Pernem - Goa. 403512.

...Respondent/Opponents

Relevant emerging dates:

Date of Hearing : 25-03-2019

Date of Decision: 25-03-2019

ORDER

1. **Brief facts of the case** are that the Complainant Nitin Y. Patekar vide an RTI application dated 28/06/2018, sought information under section 6(1) of RTI Act, 2005 from the Respondent PIO, O/o Block Development Officer, Pernem-Goa to furnish the entire record of memorandum no 15/22/DP/VIG-INQ/VPDARGAL/18 dated 29/01/2018 and the status of various construction in VP DARGAL for the year 2016-17 and copies of record of construction of protection wall near Dilip Dargalkar house and of the protection wall from Narayan Garage to Deepak Naik house and to inspect the development register for the year 2016-17
2. It is seen that the Respondent PIO, O/o Block Development Officer, Pernem-Goa transferred the said RTI application under Section 6(3) to the PIO, Secretary, Village Panchayat, Dhargal, Pernem Goa vide Memorandum No.1/ADM/BDO/RTI/2018-19/1531 dt 02/07/2018. It is further seen that the said PIO, Secretary V.P. Dhargal Panchayat, Pernem had vide letter No.VPD/PER/RTI/2018-19/941 dated 30/07/2018 informed the Complainant herein to collect the information from the Office of Village Panchayat Dhargalim during any working days after payment of necessary fees.

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3. It is also seen that the Complainant has visited the office of the V.P. Dhargalim and inspected the file on 07/08/2018 and has collected the information at 33 points free of cost. However not being satisfied with the information furnished at point No.2 of the RTI application which shows the status at serial No. 30 & 32 as work is in progress, the Complainant has thereafter filed a First Appeal on 10/08/2018 and the First Appellate authority (FAA) vide a Order dated 12/09/2018 disposed off the First Appeal by directing the Respondent PIO to once again go through the record and furnish the information free of cost.
4. Being aggrieved that correct information has not been provided by the Complainant despite the directions of the FAA, the Complainant has filed a Complaint case before the Commission on 09/10/2018 and has prayed that penalty under section 20 (1) be imposed on the PIO.
5. **HEARING:** This matter by consent is taken up for final disposal and during the hearing the Complainant Shri. Nitin Y. Patekar is present in person. The Respondent PIO, Secretary, V.P. Dhargal is represented by Advocate Pravin C. Naiki whose Vakalatnama is already on record. The FAA is represented by Shri Mahesh Gaude, LDC, O/o B.D.O. Pernem.
6. **SUBMISSION:** The Complainant submits that his only grievance is regarding the information that the PIO provided at point No.2 which is incorrect, misleading and wrong information. It is submitted that the information sought at point No.02 was to furnish the status of various Construction works in Village Panchayat, Dhargal for the year 2016-2017 and whereas the information given by the PIO is at Sr. No.30 & 32 states 'work is in progress' and that in another RTI application filed for the same information, the PIO had stated as 'works have been completed'. The Complainant further submits that the PIO has not complied with the order of the FAA and not furnished correct information and as such penalty should be imposed. The Complainant however submitted that he is willing to drop the penalty charges if the PIO furnishes correct information. ...3

7. Adv. Pravin Naik for the Respondent PIO per contra submits that although information was furnished as per the records available, the PIO will be most willing to once again go through the records and find out the correct position of information at point no 2 whether the 'work is completed' or whether 'work is in progress'. It is also submitted the PIO at Sr. No.30 & 32 had stated 'work in progress' as even though the work may have been completed it has to be verified by the BDO and which was not done. The Advocate for the Respondent PIO files a detailed reply with enclosures which is taken on record of the file.

8. **FINDINGS**: The Commission after hearing the submission of both the parties and perusing the material on record finds that the only grievance of the Complainant which needs to be redressed is regarding the information furnished at point No.02 and which the Complainant alleges is incorrect as the PIO at Sr. No.30 & 32 has stated as 'work is in progress' and which according to the Complainant should have been as 'work is completed'. The Commission also finds that the FAA had issued directions to the PIO to once again to go through the records and furnish information free of cost and which the PIO has not complied.

9. **DECISION**: No intervention is required with the Order of FAA. The PIO is hereby directed to once again go through the records and verify the correct status of information at point no 2 of the RTI application. If the work has been completed, then the PIO shall state the 'work is completed' irrespective of whether the same has been verified by the BDO. However if 'work is in progress' then the PIO may state so.

With these directions the Complaint case stand disposed.

Consequently the prayer of the complainant for penalty stand rejected.

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**

