

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No: 57/2018/SIC-II

Shri Franky Monteiro,
H. No. 501, Devote,
Loutulim, Salcete Goa.
403718

...Complainant

v/s

1. The Public Information Officer,
Office of Chief Town Planner,
Dempo Towers, Patto, Panaji-Goa.

..... Opponent

Relevant emerging dates:

Date of Hearing : 31-01-2019

Date of Decision: 31-01-2019

ORDER

1. **Brief facts of the case** are that the Complainant vide an RTI application dated 14/06/2018, sought certain information under section 6(1) of RTI Act, 2005 from the PIO Office of Chief Town Planner (Planning), Panaji Goa. The information pertains to a letter No.TPM/16224/Cam/84/5/18/3263 dated 18/05/2018 and the Complainant is seeking *inter alia* to provide details of telephone call received from Headquarters, TCP, Panjim; certified copies Action Taken Report' sought by Headquarters of TCP Panjim; certified copies of the documents in file that was discussed in the chamber of Chief Town Planner (Planning); certified copies of the decision taken at the said discussion in the chamber of Chief Town Planner (Planning) and to inspection of the file that was discussed in the chamber of Chief Town Planner (Planning).
2. It is the case of the Complainant that as no information was provided by the PIO as per 7(1) within 30 days to the RTI application, he filed a First Appeal on 20/07/2018 and the First Appellate Authority (FAA) vide an Order dated 13/08/2018 disposed of the First Appeal directing the PIO to obtain the concerned file of the South Goa District Office and to provide the information to the Complainant within 15 days.

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3. The FAA in his Order has stated thus: 'I have gone through the submission of both the Complainant respondent PIO-05 and following is noted with regards to the information sought by the Complainant , it is observed that the PIO-05 made an attempt to get the concerned file from the South Goa District Office. However she could not get the file even after making personal efforts to get the same. Possibly the PIO should have intimated to Complainant about the non-availability of the file within the prescribed time period. However the Complainant was also convinced with the facts briefed by the PIO-05 and has agreed for getting the concern file from the Sought Goa District Office and provide the information to him on receipt of the said file. The above facts mentioned by PIO-05 about the difficulty in obtaining the concern file appears to be genuine as the South Goa District Office is also simultaneously processing he said file as informed by the PIO-05.
4. Being aggrieved that despite the direction of the FAA, the Respondent PIO deliberately provided incorrect & in complete information, the Respondent filed a Complaint case registered before this Commission on 04/10/2018 and has prayed that the Respondent PIO be directed to provide complete and correct information and for compensation, Penalty, disciplinary action and other such reliefs.
5. **HEARING:** This matter has come up for hearing on two previous occasions and thus taken up for final disposal. During the hearing the Complainant Franky Monteiro is absent. It is seen form the Roznama that the Appellant was absent on 03/01/2019 and 28/01/2019 without intimation to this Commission and it appears that the Complainant is not interested to pursue his Complaint case. The Respondent PIO, Smt. Sampurna Bhagat, Dy.Town Planner is present in person.
6. **SUBMISSIONS:** The Respondent PIO submits that after receipt of the RTI application in the Office of the Chief Town Planner,(Planning) Panaji-Goa, the same was forwarded to the District office of the same public authority at Margao.

7. It is further submitted that the Complainant was informed vide letter No.21/22/TCP(HQ)/PIO-05/45/2018/1810 dated 31/08/2018 to come to the office of the PIO and inspect the documents and noting sheet submitted by the South Goa District Office. The PIO also submitted that the Complainant was informed that with respect to information at point No.1, the telephone calls are never recorded in the office and hence cannot be provided. With respect to point No.02 about Action Taken Report, the Complainant was informed that since the matter regarding the said file is going on between the Complainant and the Department in the High Court and matter is Sub-Judice, the said file could not be sent to the Office of the Chief town Planner.
8. Finally, the Respondent PIO submits that the Complainant filed two similar RTI applications having the same and similar content one with the PIO, O/o Chief Town Planner (Planning) Panaji dated 14/06/2018 and the other with the PIO, O/o Senior Town Planner, Margao dated 11/06/2018. It is further stated that the PIO, O/o Senior Town Planner, Margao sent a letter within mandatory 30 days period on 03/07/2018 informing the Complainant that information at point No.1,2,3,4,5, & 6 are not available in the office and such cannot be furnished and the Complainant was further informed that regarding the file No.TPM/16224/Cam/84/5/18/3263 dated 18/05/2018 it was just a verbal discussion in order to arrive to conclusion for issue on aforesaid letter.
9. It is further submitted that the Complainant pursued both the RTI application and filed two separate First Appeals and there were two separate Orders passed by two separate First Appellate Authorities (FAA's). The Order passed one by the First Appellate Authority, O/o Sr. Town Planner, Margao Goa was dated 27/07/2018 and the other by the FAA, O/o Chief Town Planner, (Planning), Panaji dated 13/08/2018. The PIO also stated that the Complainant thereafter filed two separate Complaints with the Commission viz Complaint No.45/2018/SIC-I and Complaint 57/2018 /SIC-II.

10. The PIO finally submitted that this Commission vide an Order dated 17/10/2018 has decided the Complaint No.45/2018/SIC-I wherein, the Complainant on 17/10/2018 submitted that the information regarding the noting sheet is provided by the PIO and reply of the PIO found satisfactory and as such he is not pressing penal provision and wishes to withdraw the Complaint. The Respondent PIO therefore submits that as the Complainant himself is satisfied with the information furnished including noting sheet and has not pressed for any penalty the same order should be made applicable in the present Complaint case No.45/2018-SIC-II. The PIO files a detailed reply along with enclosures confirming the facts which is taken on record.

11. **FINDINGS:** The Commission after hearing the submission of the Respondent PIO and perusing the material on record including the Order dated 17/10/2018 passed by this commission in Complaint No.45/2018/SIC-I, finds that the two Complaint cases No.45/2018/SIC-I and 57/2018 /SIC-II are similar arising out of the same and similar RTI applications dated 14/06/2018 and 11/06/2018.

12. The Complaint case 57/2018 /SIC-II being *pari materia* to Complaint case No.45/2018/SIC-I, accordingly the submissions of the Complainant and order passed in the Complaint case No.45/2018/SIC-I are made applicable to the present Complaint case 57/2018/SIC-II. As the Complainant himself has expressed satisfaction with the information furnished including noting sheet and has not pressed for any penalty in the Complaint case 57/2018 /SIC-II.

Nothing therefore also survives in the present Complaint case which stands disposed.

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