

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

CORAM: Shri Juino De Souza : State Information Commissioner

Complaint No.62 &63/2018/SIC-II

Smt. Urmila Ulhas Mainikar,
B-114-1, Police Quarters,
Alto Porvorim - Goa,

....Complainant

v/s

The Public Information Officer,
The Secretary,
Village Panchayat Cudnem,
Bicholim–Goa. 403 505

.....Opponent

Relevant emerging dates:

Date of Hearing : 29-10-2019

Date of Decision : 29-10-2019

O R D E R

The above two Complaint cases pertain to one and the same parties and are having similar subject matter and as such they are clubbed together and disposed by one single common Order.

1. **Brief facts of the case** are that the Complainant vide two RTI application dated 11/05/2018 and 07/05/2018, sought certain information under Section 6(1) of the RTI Act. 2005, from the Respondent PIO, Secretary, Village Panchayat Cudnem, Bicholim Goa. With regards to Complaint case No. 63/2018/SIC-II, the Complainant has sought information at 18 points in his RTI Application dated 11/05/2018 *inter alia* to furnish certified copies of application alongwith property documents in Village Falwada Cudnem Bicholim Goa, Construction plan, Survey Plan and Form I & XIV produced by Shri Sandip Kashinath Falkar r/o Sakhayali fal Cudnem Bicholim Goa to construct he house at Falwada Cudnem to the Sarpanch/Secretary Village Panchayat Bicholim and to furnish certified copies of NOC of Town and Country Planning Bicholim, licence and occupancy certificate, NOC for electricity connection, house tax receipts of House no 534 and 534/1, name of the house owner and other such related information issue to Shri Sandip Kashinath Falkar r/o Sakhayali Falwadad Cudnem Bicholim Goa by the Sarpanch/Secretary Village Panchayat Cudnem from the year 2005 to till date. ...2

2. With regards to Complaint case no. 62/2018/SIC-II the Complainant has sought information at 19 points in his RTI Application dated 07/05/2018 regarding certified copies of application alongwith property document in Survey No.76/2, at Village Pethwada Cudnem Bicholim Goa, Construction plan, Survey Plan and Form I & XIV, certified copies of NOC of Town and Country Planning Bicholim, construction Licence and Occupancy certificate issued to Shri Ulhas Sakharam Mandrekar r/o Deulwada Cudnem to construction of house at Chirekhan Cudnem by Sarpanch/Secretary V.P. Cudnem for the year 2005 to till date, Certified copies of NOC for house repairs, NOC for Electricity connection and water supply connection and other such related information produced by Shri Ulhas Sakharam Mandrekar r/o H.No. 223, Deulwada Cudnem Bicholim Goa to construct the house at Chrekhan/pethwada Cudnem by the Sarpanch/Secretary Village Panchayat Cudnem Bicholim Goa for the year 2005 to till date.
3. It is the case of the Complainant, that the PIO has furnished incomplete and incorrect and misleading information in his replies dated 04/06/2018, 26/06/2018 and 17/08/2018 to the RTI Application dated 07/05/2019 and also the replies dated 12/06/2018, 13/06/2018, 26/06/2018 and 17/08/2018 to the RTI Application dated 11/05/2018.
2. Not satisfied with the replies, the complainant filed two separate First Appeals both dated 11/07/2018 and the First Appellate Authority (FAA) by two separate Orders both dated 29/08/2018 directed the PIO, Secretary, V.P. Cudnem to furnish information at point No. 5 and at point No. 8 with regard to RTI applications dated 11/05/2018 and 07/05/2018 within Seven days and disposed off the First Appeals. It is further the case of the Complainant that despite the Order of First Appellate Authority (FAA), the Respondent PIO failed to furnish the said information and therefore the Complainant has filed two direct Complaint cases before the Commission both registered on 30/10/2018 praying to impose penalty on the PIO, Secretary V.P. Cudnem Bicholim under Section 20 of the RTI Act. ...3

3. **HEARING:** This matter has come up for hearing on several previous occasions and hence taken up for final disposal. During the hearing the Complainant Smt. Urmila Ulhas Mainikar, is represented by her husband Shri. Ulhas Mainikar, The Respondent PIO is absent.
4. **SUBMISSION:** At the outset the Complainant submits that he is not interested in receiving any information at this stage and that he has filed the Complaint case praying to imposed penalty. He insist that the PIO should be taken to task and should be penalize for neglecting in his duty to furnish information despite the Order of First Appellate Authority (FAA). The Complainant further submits that the First Appellate Authority in his both the orders had directed the PIO, Secretary, V.P. Cudnem to furnish the information free of cost and the PIO has failed to furnish the same.
5. **FINDINGS/DECISION:** The Commission finds that this is the fit case for granting the prayers of the Complainant and imposing penalty on the PIO under Section 20 (1), however natural justice demands that before a penalty is imposed, the said PIO should be given a chance to file his say and tender explanation as to why penalty should not be imposed on him for failing in the duty cast upon him as per the RTI Act.

Issue Notice to Respondent PIO

Issue Notice u/s 20(1) of the RTI act 2005 to the concerned Respondent PIO, Secretary, Village Panchayat Cudnem, Bicholim Goa to show cause why penal action should not be taken against him for furnishing incomplete information. The said PIO shall remain personally present before the commission in person with his explanation, if any on 17th December 2019 at 11.30am.

With these directions both Complaint cases 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

