

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

Appeal No. 33/2019/SIC-I

Shri. Jawaharlal T. Shetye,
H.No.35/A,W. No-11,
Khorlim, Mapusa Goa.
Pincode-403 507.

....Appellant

V/s

- 1) The Public Information Officer,
Mapusa Municipal Council,
Mapusa Goa.
- 2) First Appellate Authority,
The Chief Officer (Mr. Clen Madeira),
Mapusa Municipal Council,
Mapusa-Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 12/2/2019

Decided on:22/3/2019

ORDER

1. The second appeal came to be filed by the appellant Shri Jawaharlal T. Shetye on 12/02/2019 against the Respondent No.1 Public Information Officer of Mapusa Municipal Council, Mapusa, Bardez-Goa and against Respondent no. 2 first appellate authority under sub section (3) of section 19 of RTI Act 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 15/10/2018 had sought for the information in terms of section 2 (J)(i) of RTI Act ,2005 i.e. inspection of entire file records of (i) shop no. 14/23 in the name of original lease holder Hari Nilkhant Falari transferred in the name of Sandeep Hari Falari under blood relation transfer and (ii) of building Natalina apartments situated opposite Mapusa court, Altinho - Mapusa wherein the office No. 9 bearing House tax No.

157(8)5 stands originally registered in the name of Fr J.C. Araujo which is subsequently transferred in the name of Adv. Francis De Souza r/o Dattawadi-Mapusa,Goa. The said information was sought by the appellant in exercise of his right u/s 6(1) of RTI Act, 2005.

3. It is the contention of the appellant that his above application filed in terms of sub section 1 of section 6 was not responded by the respondent no 1 PIO within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal to Respondent no 2 chief officer of Mapusa Municipal council on 19/11/2018 being first appellate authority.
4. It is the contention of the appellant that the respondent no. 2 FAA vide order dated 10/-01/2019 allowed his appeal and directed the respondent no 1 PIO to allow inspection of files as sought by the appellant vide application dated 15/10/2018, within 10 days .
5. It is the contention of the appellant that inspite of the said order, the said information/inspection of the files was not given and hence he had to approach this commission in his 2nd appeal seeking relief of directions to PIO to furnish the requested inspection information as also seeking penalty and compensation for not giving information within time.
6. Notices were issued to both the parties. Appellant appeared in person. Respondent PIO Mr. Venkatesh Sawant appeared along with Advocate M. D'Souza. Respondent no.2 First appellate authority opted to remain absent.
7. The Respondent PIO Shri Venkatesh Sawant endorsed his say on the reverse of memo of appeal submitting that the records are maintained by the municipality on the basis of occupancy Certificate Number and date, constructions licence number and date and survey number of the property. The respondents states

that the file at point "B" is a very old file and required some time to locate the said file and the same shall be provided to the appellant within a period of 20 days. He further submitted that appellant may visit the office of the respondent on 27/3/2019 between 3.00 to 5.00 P.M. with regards to point "A" for the purpose of inspection.

8. The appellant also agrees to carry out the inspection of said file as sought by him at point "A" on 27/3/2019 between 3 to 5 P.m
9. It is seen from the records that Respondent PIO have not acted in conformity with the provisions of RTI Act. The PIO and the public authority must introspect that not furnishing of the correct and/or incomplete information lands the citizen before first appellate authority and also before this commission resulting into unnecessary harassment of the common man which is socially abhorring and legally impermissible and hence the PIO is hereby Admonished and is hereby directed to be vigilant henceforth while dealing with the RTI matters and to comply the provisions of the RTI Act in true spirit. Any lapses found in future shall be viewed seriously.
10. In the above given circumstances the following order passed .

ORDER

1. Appeal allowed.
2. The Respondent No. 1 Public Information Officer of Mapusa Municipal council , Mapusa ,Goa is hereby directed to give the inspection of file on 27//3/2019 between 3.00 to 5.00 P.m as sought by the appellant at point "A" of his application dated 15/10/2018 pertaining shop no. 14/23 in the name of original lease holder Hari Nilkhant Falari transferred in the name of Sandeep Hari Falari under blood relation transfer The appellant is also directed to carry out the said inspection on the date and time mentioned above.

3. The Respondent No. 1 Public Information Officer of Mapusa Municipal council , Mapusa ,Goa is hereby directed to give the inspection of file as sought by the appellant at point "B" of his application dated 15/10/2018pertaining of building Natalina apartments situated opposite Mapusa court ,Altinho-Mapusa wherein the office No. 9 bearing House tax No. 157(8)5 stands originally registered in the name of Fr J.C. Araujo which is subsequently transferred in the name of Adv. Francis De souza r/o Dattawadi-Mapusa, Goa within 20 days from the date of the receipt of the order.

With this above direction the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-
(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa