

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

Complaint No. : 54/2019/SIC-I

Mr. Nitin Y. Patekar,
Oshalbag, Dhargal,
P. O. Colvale,Goa.

..... Complainant

v/s

1. Public Information Officer,
O/o Dy. Town Planner,
Town and Country Planning Department ,
Pernem-Goa.

2. First Appellate Authority,
O/o Senior Town Planner,
Town and Country Planning Department,
Mapusa, Bardez-Goa.

..... Respondent/Opponent

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 28/10/2019
Decided on: 30/01/2020

ORDER

1. The facts leading to the present Complaint are that the Complainant Shri Nitin Y. Patekar by his application dated 03/07/2019, filed under section 6(1) of Right To Information Act, 2005 sought information on point (1) to (4) as stated therein the said application from the respondent No.1 Public Information officer of the office of Deputy Town Planner, Pernem, Goa mainly pertaining to permission issued under section 17- A and other information connected to said subject.
2. According to the Complainant the said application was replied on 19/07/2019 by the respondent No.1 PIO interalia providing him information. However according to the Complainant the information which was furnished to him at point no.2, 3, 4 by Respondent No. 1 Public Information Officer (PIO) was not

correct information and since he was not satisfied with it, he preferred first appeal on 09/08/2019 before the Respondent No.2, Senior Town Planner at Mapusa, Bardez-Goa in terms of section 19(1) being first appellate authority.

3. According to the complainant respondent No.2 FAA did not pass any order within stipulated time as such he being aggrieved by the action of both the Respondents, has been forced to approach this Commission by way of present Complaint.
4. In this background the Complainant approached this Commission with the present Complaint interms of section 18 of the Right To Information Act with the contention that incorrect , misleading and wrong information was furnished to him at point No.2,3 and 4 and seeking order from this commission for directions to respondent No.1PIO for furnishing him correct information at point No.2,3 and 4 and for taking disciplinary action against both the Respondents under the service rule.
5. Notice of this Complaint was issued to parties, pursuant to which the Complainant was present in person . Respondent No.1 PIO Shri Prakash Bandodkar was present. Ms. Prathibha Chopdekar appeared on behalf of Respondent No.2 FAA .
6. Respective replies were filed by Respondent No.1 PIO and Respondent No. 2 First appellate authority on 27/11/19. Copies of the above replies of both the Respondents were furnished to the Complainant.
7. Vide reply PIO contended that the RTI application of the Complainant was responded by him on 19/7/19 and correct information was provided to complainant within stipulated time period.

8. The Respondent No.2 FAA vide his reply contended that the appeal was heard by him, however since he had an additional charge of Chief Town Planner(planning),he remained extremely busy with day to day routine matters and hence delay occurred in issuing order and he undertook to dispose the said matter within a week's time .
9. The complainant also filed his written submissions on 13/01/2020 along with enclosures. Vide written submissions it was contended that Mr B.T. Puttreju , Chief Town Planner had issued order as per the directions of Hon'ble High court that for cutting beyond 75mts from the central line of road, NOC/permission has to be obtained u/s 17-A of the TCP Act. It was further contended that Shri Murad Ahamad, Chief Town Planner issued NOC under RCF No.17-A/per/259/T.C.P/2011/1246 dated 11/3/19 and clearly indicated that section 17-A does not attract for cutting of land up to 75 mts from the central line of road .
10. It was further contended that the respondent No. 2 FAA vide order dated 12/12/19 had directed respondent No.1 PIO to furnish the information to the complainant within 15 days in the form it is sought on the receipt of the order .
11. The complainant during the hearing on 27/1/2020 submitted that information at point No.2,3, and 4 have been provided to him and he is satisfied with the information provided to him at point No. 3 and 4 of his RTI application dated 3/7/19. The complainant also submitted that he is not pressing for penal provision and accordingly endorsed his say on the memo of appeal .
12. Since now the information as exist and as available in the records have been provided to the complainant and also in view

of the submission and endorsement made by the complainant, I find no reasons to proceed with the matter. Hence complaint proceedings stands closed.

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.

Pronounced in the open court.

Sd/-

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