

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

Appeal No. 53/2020/SIC-I

Shri Savio Guha
R/o C-2-5,Prabhu Estate,
Sheyevaddo, Peddem,
Mapusa, Goa.

....Appellant

V/s

1)The Public Information Officer (PIO),
Corporation of the City of Panajim (CCP),
Panaji, Goa.

.....Respondents

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

Filed on:07/02/2020
Decided on: 12/03/2020

ORDER

1. Brief facts of the present proceedings as put forth by the Appellant Shri Savio Guha are as under:-

a)In exercise of right under section 6(1) of right to information Act, 2005 the Appellant filed application on 30/10/2019 seeking certain information from the Respondent No. 1 public information officer of Corporation of city of Panajim, at Panajim–Goa on 4 points as stated therein in the said application mainly pertaining to the trade licenses issued, rejected, pending, etc. and the reasons for rejection and the pendency of the applications received for the issue of Trade Licences in the residential premises within the jurisdiction of City of Corporation of Panajim.

b)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 PIO within a stipulated time of 30 days as contemplated under sub-section (1) of Section 7 of RTI Act as such deeming the same as

rejection, the Appellant filed 1st appeal on 4/12/2019 interms of section 19(1)of RTI Act before the Commissioner of Corporation of city of Panajim-Goa being First Appellate Authority .

- c) It is contention of the Appellant that he received a letter of Respondent PIO dated 2/12/2019 on 5/12/2019 purportedly giving the information that the Appellant had sought. Since it was observed by him that the information provided to him by PIO vide said letter was incomplete as such he filed another letter dated 9/12/2019 in the nature of revised first appeal .
- d) It is contention of the Appellant that First Appellate Authority directed PIO to provide information to the Appellant on next date of hearing which was fixed on 22/1/2020 and when he went to collect the information the First Appellate Authority informed him that the information can be provided to him albeit without being certified as "PIO is not appointed" and the Appellant was given choice of either taking the information without being certified or to wait till the PIO was appointed .
- e) It is contention of the Appellant that he opted to take the information without same being Certified rather than not to take any information at all and on verification of the said information he realised that the information at point no. 2,3 and 4 of his application has not been provided at all and the information has not been provided in the format /manner requested and had been provided in the haphazard manner which was creating confusion.
- f) It was further contended by the Appellant that since the photo copies are not certified, the same is not be

admissible in the evidence in the court of law and could be open to doubt /dispute as to its authenticity /veracity and source .

2. In this background the present appeal came to be filed before this commission on 7/2/2020 as contemplated u/s 19(3) of RTI Act on the grounds raised in the memo of appeal with a contention that the incomplete information has been provided to him and only the uncertified photocopies of the some of the documents have been provided to him.
3. The Appellant herein had sought for the relief of directions to PIO to furnish the information as sought by him at point no. 2, 3 and 4 of his application dated 30/10/2019 and the documents to be appropriately stamped and serially be numbered
4. Notices were issued to both the parties. In pursuant to notice of this Commission, Appellant was represented by Advocate Tarence Sequeira. Respondent PIO A Shri Agnelo Machado was present alongwith Shri Virendra Mahale.
5. In the course of the proceedings before this Commission Respondent PIO submitted that now he has been appointed as a PIO w.e.f 14/1/2020 and showed his willingness to furnish the certified copies of information to the Appellant. Accordingly the information came to be submitted to the Appellant on 12/3/2020 alongwith the documents duly certified. Advocate for the Appellant after verifying the same submitted that the same is furnished to him as per their requirement and accordingly made endorsement to that effect on the memo of appeal .
6. Reply came to be filed by Respondent PIO on 12/3/2020. The copy of the same was furnished to the advocate for the Appellant .

7. Since available information have been now furnished to the Appellant, free of cost as per the requirements of the Appellant, I find no further intervention of this commission is required for the purpose of furnishing information and hence prayer(a) becomes infructuous.
8. Before parting it need to mention that section 4 of the Act casts an obligation on all public authorities to maintain records duly computerised and connect through network. Said provision also requires public authorities to publish certain information in the prescribed format and update the same periodically. If Such an exercise is undertaken by the Respondent authority herein, then such disseminated information would be beyond the purview of the Act. It is noted that inspite of the said obligation on the Respondent authority and direction of this commission from time to time , the Respondent authority has failed to comply with said requirement, thereby compelling not only appellant but citizens at large to have the information in physical form by filing applications.
9. The Hon'ble High Court of Bombay at Goa Bench in PLI writ petition No. 42 of 2019; Roshan Mathias V/s Village Panchayat of Candolim had directed the public authority i.e the Village Panchayat Candolim to comply its obligation interms of section 4(1) (b) of the RTI Act as expeditiously as possible within a period of 6 months.
10. The observation made by the Hon'ble High Court and the ratios laid down in the case of Roshan Mathias (Supra) are also applicable to the public authority concerned herein. Hence the public authority concerned herein i.e the Corporation of the city of Panajim (CCP) at Panajim-Goa is hereby directed to comply with section 4 of RTI Act,2005 within 6 months in case the same is not complied

With the above directions the appeal proceedings stands closed.

Pronounced in the open Court. Notify the parties.

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