

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

Appeal No.133/2019/SIC-I

Dr. Kalpana V. Kamat ,
Caldeira Arcade, 1st floor,
Bhute Bhat, Mestawado,
Vasco –Da-Gama, Goa.
V/s

.....Appellant

1. The Public Information officer,
(Municipal Engineer),
Mormugao Municipal Council,
Vasco-Goa.

2. First Appellate Authority,
(Chief Officer Agnelo Fernandes)
Mormugao Municipal Council,
Vasco-Goa

.....Respondents

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

Filed on : 29/04/2019
Decided on:02/01/2020

ORDER

1. The brief facts leading to the second appeal as put forth by the appellant are as under:-
 - a. That the appellant, vide her application, dated 8/1/2019 addressed to the Respondent No.1 Public Information officer (PIO) of the office of Mormugao Municipal Council at Vasco-da-gama-Goa requested to furnish information on 7 points as stated therein in a said application including inspection of records. The Said information was sought in exercise of her right u/s 6(1) of RTI Act, 2005.
 - b. It is the contention of the appellant that her above application filed in terms of sub section(1)of section 6 was responded by the Respondent no 1 Public Information Officer (PIO) on 21/2/2019 and she was requested to

attend the technical section to inspect the records and then to collect the necessary information with regards to serial No. 1,2,4 and 5 .vide said reply it was also informed that information with regards to serial No.3 was transferred to office of Mamlatdar, Mormugao Taluka and information at serial No. 7 was transferred to PIO of Civil Registration-Sub Registration office of Mormugao vide separate letter dated 11/1/2019. With regards to information at point No. 6, a request was made to appellant to mention the names of person in order to enable them to furnish her necessary information since the records of construction licences and notices of illegal constructions are based on a name of person.

c. It is the contention of the appellant that she was not satisfied with the said reply as such she filed 1st appeal on 18/2/2019 before Respondent no 2 first appellate authority interms of section 19(1) of RTI Act, 2005, who passed order dated 6/3/2019 directing Respondent No. 1 PIO for furnishing her information at serial No. 1 and 2 and directed appellant to give details with regards to information sought at serial 3, 6 and 7 so that the respondent PIO can give her the inspection of the files .

d. It is the contention of the appellant that in pursuant to the order of FAA dated 6/3/2019 she provided the list vide a letter dated 15/3/2019 to the first appellate authority despite of same no complete information was furnished to her .

2. In the above background the appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission on 29/4/2019 in this second appeal u/s 19(3) of the act on the grounds raised on the memo of appeal with the

contention that the complete information is still not provided and seeking order from this commission to direct the PIO to furnish the information as also for invoking penal provisions as against respondent PIO so also sought compensation for the detriment suffered by her at the hands of Respondents.

3. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which appellant was present. Respondent No. 1 PIO was represented by Advocate V.V. Pednekar. The Respondent No.2 First Appellate Authority (FAA) Shri Gaurish Shankawalkar was present.
4. During the hearing on 26/9/2019 in the presence of appellant, it was submitted by Advocate by V.V.Pednekar that inspection of records have been fixed on 30/9/2019 at 4.00 pm which was also agreed by the appellant herein and further she also undertook to give the details of the documents/information required by her after due inspection of records by her and hence the matter was then fixed for furnishing information .
5. The Respondent No. 1 PIO filed his reply on 5/12/2019 alongwith the enclosures. The copy of the same could not be furnished to the appellant however she was directed to collect the same. Accordingly she collected it on 2/1/2020.
6. The Respondent PIO vide his reply submitted that on receipt of the application, the PIO marked the same to the concerned staff of the different department of the council which are handling the concerned file for collecting the information in order to furnish the same to the appellant within a prescribed time and since the application was vague he sought for certain clarification from the appellant so that information can be provided to her. It was further contended that during the proceedings before this commission, the inspection of the files in question was allowed to the appellant and the appellant was granted sufficient time to

seek information sought at serial No. 3,6,and 7 and accordingly after the inspection of files the information was provided free of cost to appellant on 8/11/2019 and the appellant has signed and acknowledged the same on a covering letter and the proceeding sheets of having received the same and in support of his contention he relied upon the copy of proceeding sheet bearing the signature of the appellant .

7. Since appellant did not appeared before this commission since 21/11/2019 , in order to confirm the said fact, a fresh notice was issued to her and in pursuant to same she appeared and submitted that she has got no any further grievance with respect to information furnished to her as such this commission is of the opinion that no further intervention of this commission is required for the purpose of furnishing the information and hence the prayer (i) becomes infructuas
8. On perusal of the records, it is seen that the Respondent No. PIO have time and again co-operated with the appellant herein and there was no denial of the information by the PIO. The inspection was also offered to the appellant which was carried out by the appellant during the pendency of the present proceedings and due information has been provided to her as per the requirement of the appellant.
9. The reply filed by the Respondent PIO appears to be probable and convincing as the same is supported documentary evidence and the averments made in the reply are not specifically disputed by the appellant. Hence the facts of the present case doesn't warrant levy of penalty on PIO. Hence the relief which are in nature of penal provisions cannot be granted.
10. Nevertheless the appellant also did not press for penal provisions and accordingly endorsed her say on memo of appeal.

11. As there is no evidence produced on records by the appellant of detriment or losses suffered by her, the relief of compensation sought by the appellant also cannot be granted.
12. In the above given circumstances following order is passed ;

Order

1. Since the inspection of the records and the information is provided to the appellant as per her requirement, I find that no further intervention of this commission is required for the purpose of furnishing information and as such prayer-I becomes infructuous.
2. Rests prayers are not granted .

The appeal disposed accordingly. 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