

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

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**Appeal No.147/2021/SCIC**

Shri. Kashinath P. Tari,  
R/o. Flat No. B-2, F-1,  
Ramnath Apartments, Shankar wadi,  
Taleigao-Goa. 403002.

.....Appellant

V/S

The Public Information Officer,  
Town and Country Planning Department,  
Kamat Tower, 5<sup>th</sup> Floor,  
Patto, Panaji Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 06/07/2021**

**Decided on: 24/11/2021**

**FACTS IN BRIEF**

1. The Appellant, Shri. Kashinath P. Tari, R/o. Flat No. B-2, F-1, Ramnath Apartments, Shankar wadi, Taleigao-Goa, by his application dated 12/01/2021 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought inspection of file and certain information from Public Information Officer (PIO), Town and Country Planning Department, Tiswadi Taluka, Kamat Tower, fifth Floor, Patto, Panaji-Goa.
2. The said application was replied on 29/01/2021 thereby informing the Appellant that the information as sought is not available in the office records and requested the Appellant to submit the file number / approval number if any so as to trace out the said file to provide the information.
3. Not satisfied with the reply of PIO, the Appellant preferred first appeal before the Senior Town Planner, III<sup>rd</sup> Floor, Government

Office Complex, Mapusa, Bardez-Goa being the First Appellate Authority (FAA).

4. The Appellant contended that, the FAA after receiving the first appeal issued notice of fixing the hearing on 08/04/2021 but nothing materialized thereafter since no order has been passed in the first appeal till date, Appellant preferred this second appeal under section 19(3) of the Act before the Commission with the prayer to issue direction to PIO to furnish the information immediately, to impose penalty on PIO and to award compensation.
5. Parties were notified, pursuant to which the PIO, Mr. Ritesh Shirodkar appeared on 24/08/2021 and submitted that he is ready and willing to furnish the information he also placed on record his affidavit in reply.

Upon willingness to provide the plans of location of monopole of Electricity Department and of 10 meter wide road at land bearing survey number 20/3-A at Baiguinim, Tiswadi, Goa. The Commission directed the PIO to furnish the information without going in to the other aspect of the appeal with the intent to achieve the basic aim of the Act, i.e to furnish the information.

6. During the course of hearing on 13/10/2021, the PIO furnished the Xerox copy of all the documents to the Appellant. Appellant sought time to verify the documents furnished.
7. On 22/11/2021, the APIO appeared and submitted that, as per direction of Commission, he has furnished the available information to the Appellant. The Appellant scrutinised the information provided by the PIO and submitted that he has received the information from APIO and he is satisfied with the information.

The Appellant also endorsed on appeal memo that "Received all information as per my application".

8. The Appellant also submitted that, FAA, the Senior Town Planner, Town and Country Planning Department, North Goa District Office, Mapusa Goa has erred in not deciding his first appeal and therefore he may be penalised for violation of RTI Act.
9. However this Commission cannot grant the said relief to the Appellant as he did not join the FAA as a party in the present appeal and also did not seek any prayer against the FAA in this appeal.
10. On the backdrop of these facts and circumstances, I find that the information sought by the Appellant has been furnished.

Therefore, I am not inclined to impose penalty on PIO and to grant compensation to the Appellant as prayed by the Appellant. Considering this, I dispose the present appeal with the following:-

## **ORDER**

- The appeal is dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner