

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

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Appeal No.149/2021/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, 5th Floor,
Patto, Panaji Goa.

.....Respondent

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 09/11/2020 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), office of Directorate of Settlement and Land Records, Panaji-Goa.
2. The said application was forwarded by the office PIO of Directorate of Settlement and Land record to PIO, Town and Country Planning Department, Kamat Tower, 5th Floor, Patto, Panaji-Goa under sec 6(3) of the Act.
3. The application was replied on 30/12/2020 by informing the Appellant to collect the information. However upon visit to the office of PIO, the PIO denied to furnish the correct information.

4. Being aggrieved with the said act of PIO, Appellant filed first appeal before the Senior Town Planner, IIIrd Floor, Government office Complex, Mapusa, Goa being the First Appellate Authority (FAA).
5. Since the FAA failed to dispose the matter within stipulated time, the Appellant preferred this second appeal under sec 19(3) of the Act, before the Commission with the prayer to issue direction to PIO to furnish the information immediately, impose penalty on PIO and to award compensation.
6. 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 therefore he also placed on record his affidavit in reply.

Upon willingness to provide information with respect to technical clearance order, documents of the survey carried by Electricity Department, site inspection report and survey plan of the land 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.

7. 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.
8. 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".

9. 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.
10. 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.
11. On the backdrop of these facts and circumstances, I find that the information sought by the Appellant has been furnished free of cost. I find that approach of the PIO is bonafide and genuine. Therefore, I am not inclined to impose penalty on PIO and to grant compensation to the Appellant as prayed by the Appellant, therefore, 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