

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No.155/2021/SCIC

Nazario Savio D'Souza,
520/A/S-3, Cortez Apartments,
Ubo Dando, Santa Cruz,
Tiswadi-Goa. 403005.

.....Appellant

v/s

The Secretary, PIO,
Village Panchayat of Calangute,
Calangute, Bardez-Goa. 403516.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 14/07/2021

Decided on: 01/11/2021

FACTS IN BRIEF

1. The Appellant, Mr. Nazario Savio D'Souza, r/o. 520/A/S-3, Cortez Apartment, Ubo Dando, Santa-Cruz, Tiswadi, Goa, 403005, by his application dated 29/12/2020, filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer(PIO), Secretary of Village Panchayat Calangute, Bardez-Goa.
2. The PIO responded to the said application on 17/02/2021, and provided the information.
3. Not satisfied with the reply, Appellant preferred first appeal before Block Development Officer –II Bardez at Mapusa being the First Appellate Authority (FAA).
4. The FAA by its order dated 06/04/2021 dispose the first appeal with the direction to the PIO to provide the inspection of the file within fifteen days.
5. Since the PIO failed to comply with the order of FAA, the Appellant preferred this second appeal under sec 19(3) of the Act before this Commission.

6. Notice was issued to the parties however inspite of the valid service of notice, the PIO did not appear and file his reply. Fair opportunity of hearing was granted to the PIO.
7. I have perused the pleadings and scrutinised the documents on record.
8. According to Appellant, he has filed RTI application seeking information for inspection of a construction file pertaining to house No. 2/247/A and /or 247/A situated within the jurisdiction of Village Panchayat Calangute in survey No. 474/4 of Calangute Village and certified copy of the last house and garbage tax receipt.

Further according to the Appellant, he approached the office of PIO several times, however PIO did not respond him properly and refused the inspection of file. Whatever information provided to him are Xerox / non-certified copies, therefore he emphasised for inspection of the said information.

9. Record shows that part of the information has been furnished to the Appellant without certifying them.

As far as RTI Act is concerned, it can only facilitate in providing information to the citizens in case if one seeks information which is available with the public authority in the material form. In the present case in hand, the information is readily available with the public authority.

10. While deciding the first appeal, the FAA has rightly formed his opinion and directed the PIO to furnish the inspection of the file.
11. In view of the above discussion, I hold that the information as sought by the Appellant has to be furnished to the Appellant, as the PIO failed to give satisfactory reasons as how the disclosure of such information would be exempted from disclosure under section 8 or/and 9 of the Act.

12. With the above findings, I dispose the present appeal with the following:-

ORDER

- The appeal is allowed
- The PIO directed to give the inspection of the concerned file and comply the order of FAA dated 06/04/2021 within a period of **FIFTEEN** days from the date of receipt of this order.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner