

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 165/2020

Yvette Pereira e Souza,
798/1, Pereira Vaddo,
Siolim, Bardez Goa 403517.

-----Appellant

v/s

1)The then Jr. Engineer,
Shri Shyamsundar Mayekar,
At Sub Division III, W.D. I,
Water Resources Department,
Pernem Goa.

Present Address: District Rural Development Agency,
North Goa,
Spaces Bldg., 7th floor, Patto Plaza,
Panaji – Goa.

2)The Asst. Engineer/A.P.I.O ,
Sub Division III, Works Division I,
Water Resources Department,
Pernem – Goa. 403512

3)The Executive Engineer/PIO,
Works Division I,
Water Resources Department,
Porvorim – Goa.

-----Respondents

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-12/10/2020

Decided on: 06/10/2021

ORDER

1. Appellant Mrs. Yvette Pereira e Souza, H. No. 798/1, Pereira Vaddo, Siolim, Bardez Goa by her application dated 08/05/2019 filed under Sec 6 (1) of the Right to Information Act, 2005 (hereinafter to be referred as Act) sought information from Executive Engineer, Works Division-I, Water Resources Department , Porvorim-Goa, seeking following information:-

- a. Application in Form 1 for well registration at Angod, Ibrampur Village, Pernem taluka, dated 19/10/2012 submitted in the office of Assistant Engineer, Sub-Division-III, Works Division-I, WRD, Pernem-Goa 23/10/2012.
 - b. NOC from Mrs.Teotonia Gracia Pereira to Mrs. Yvette Pereira e Souza, dated 18/10/2012 which was attached to the above application.
2. The said application was not responded by the PIO within stipulated time and as such deeming the same as refusal appellant filed First Appeal to the Superintending Engineer (CPO), Water Resources Department at Porvorim, Bardez-Goa being the First Appellate Authority (FAA).
3. FAA after receiving the first appeal served notices to parties and conducted the hearing. During the course of hearing before First Appellate Authority it is revealed that the application for registration of well was marked to Shri Shyamsundar Mayekar, Junior Engineer of the Water Resource Department at the relevant time and he was transferred to Margao office in 2013. In spite of all efforts, office of PIO could not trace the file therefore the FAA by order dated 12/09/2019 disposed off the matter.
4. Aggrieved with the order of FAA, the Appellant preferred this Second Appeal under Sec 19 (3) of the Act, before the Commission by joining, the then Junior Engineer Shri Shyamsundar Mayekar, as a respondent in the appeal.
5. Notice was issued to the parties, pursuant to which they appeared. The Respondent No. 1 Shri Shyamsundar Mayekar filed his reply on 12/02/2021 in the entry section, APIO, Asst.

Engineer Anil Parulekar filed his reply on 14/01/2021 in the entry section, Dnyaneshwar Salelkar, Executive Engineer filed his reply on 14/01/2021 in the entry section countering the said reply the Appellant also filed her rejoinder /reply on 29/04/2021 and matter was fixed for arguments.

6. On going through the report made by Asst. Engineer, Sub Div-III, Works Division- I, Water Resources Department at Pernem-Goa regarding the missing file and thereafter a police complaint dated 09/09/2019 regarding missing of application for registration of open well, the Commission directed the Junior Engineer Shri Shyamsundar Mayekar, to file Affidavit to support his say.
7. In the course of arguments on 13/08/2021 Respondent No. 3 submitted that the grievance of the Appellant is with respect to non-registration of her existing open well, situated at Angodvada, Ibrampur, Pernem, Goa and that the issue can be addressed. The Respondent No. 3 volunteered to register the existing well of the appellant by verifying the documents in records of Department.
8. That on 30/09/2021, Respondent No. 2 Shri Ashok Harmalkar, Assistant Engineer, Water Resource Department submitted during the course of hearing that, he has already registered the existing open well of the appellant the fact is confirmed by the representative of the appellant. Accordingly the appellant's representative endorsed on the appeal memo "Thank you for the help rendered" and submitted that order may be passed accordingly.

9. Since the information could not be traced, and the Department has filed a police complaint, any order to furnish information would be non-implementable. However, at any time, if the file is traced, the information shall be furnished to the appellant free of cost.

Further in view of endorsement made by Appellant on the Appeal memo, the appeal is accordingly disposed.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa.