

GOA STATE INFORMATION COMMISSION

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Appeal No. 221/2019/SIC-II

Girdharlal M. Gangani,
Galaxy Bldg., Dr. A.B. Road,
Opp. Hotel Nova Goa,
Panjim Goa. 403001.

-----Appellant

v/s

1. The Public Information Officer,
Office of the North Goa Planning and Development Authority,
Mala Link Road, Panjim- Goa 403001.

2. The First Appellate Authority,
Office of the North Goa Planning and Development Authority,
Mala Link Road, Panjim -Goa 403001. -----Respondents

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-22/07/2019

Decided on: 26/11/2021

FACTS IN BRIEF

1. The Appellant Girdharlal M. Gangani, R/o. Galaxy Building, Dr. A.B. Road, Opp. Hotel Nova Goa, Panaji- Goa by his application dated 30/04/2019, filed under Sec 6 (1) of the Right to Information Act, 2005 (hereafter to be referred as 'Act') sought information from Public Information Officer, Office of North Goa Planning and Development Authority, Mala, Panaji-Goa on seven points.
2. The said application was replied on 29/05/2019, however according to Appellant since PIO failed to provide the information by giving some unjustified reason, he preferred first appeal before First Appellate Authority of North Goa Planning and Development Authority, Panaji-Goa.
3. Since the FAA did not initiate first appeal proceeding within stipulated period of 45 days, the Appellant preferred this second

appeal under Section 19 (3) of the Act, with the prayer to direct the PIO to furnish the information.

4. Parties were intimated, pursuant to which Adv. S. Bandodkar appeared on behalf of PIO and Adv. S.B. Rivankar was present on behalf of Appellant. However matter was kept sine die as the then Presiding Commissioner had demitted the office.
5. After constitution of this Commission, a fresh notice was issued to the parties. Appellant appeared once on 17/03/2021 and thereafter chose not to appear in the matter. Adv. C. A. Carvalho appeared and filed reply on behalf of PIO on 05/08/2021.
6. Perused the appeal memo, reply and scrutinized the documents on record. Since the Appellant did not appear inspite of fair opportunity for subsequent hearings, arguments in the matter were heard in the absence of Appellant.
7. During the course of hearing, PIO produced on record copy of Minutes of meeting held by NGPDA dated 24/01/2019 and submitted that at that relevant time, information at serial no. 1 i.e. Minutes of meeting of NGPDA was not furnished to the Appellant as the same was not confirmed by Board. Subsequently the said minutes came to be confirmed, wherein the Public Authority appointed Inquiry Officer to inquire in to the charges levelled against Mr. John Z. Sequeira.
8. Further according to PIO, with regards to the information at serial No. 2 to 5, the disciplinary proceeding was not commenced at that particular time including the minutes of the meeting and accordingly the Appellant was informed about the same. However now the disciplinary proceeding has been initiated and going on, therefore PIO is unable to provide the same information as it will impede the process of investigation.

9. PIO further argued that with respect to the information at serial No. 6, the Appellant was informed that the Authority has not forwarded any details to Anti Corruption Bureau (ACB) to grant development permission to Himalaya Builders Pvt. Ltd and therefore could not issue the said information.
10. With regards to the information at serial No. 7 PIO submitted that, information sought therein was confidential in nature and hence the same was not furnished to the Appellant and informed to the Appellant within stipulated time.
11. I have perused the copy of memo of first appeal. The appeal was inwards in the office of First Appellate Authority, NGPDA, Panaji on 03/06/2019. However no notice was issued by the FAA. I find that the said first appeal was not taken up for hearing as prescribed under law.

The approach of FAA, Mr. R. K. Pandita, Member Secretary of North Goa Planning and Development Authority is casual, trivial and evasive. I find it appropriate to remind the FAA that he is required to deal with the proceedings under the Act with due sanctity. Such task is part of its duty as FAA and any lapse in the performance of said duty is contrary to the service conditions governing him and hence to be dealt with seriously .

However, since it is not prayed therein by the Appellant in appeal memo and being the first lapse noted by this Commission, a lenient approach is taken. Needless to say that if any such lapse on the part of FAA is noticed henceforth it shall be viewed seriously by issuing appropriate recommendation to the concerned authority, even to initiate disciplinary proceeding for derelictions of duties as per the service rules under service conditions.

12. On perusal of the records and upon considering the reply of PIO, it is seen that the information sought for has been furnished to the Appellant, therefore I find no merits in the appeal and dispose the same with the following:-

O R D E R

- The appeal stands dismissed.
- Pronounced in the open court.
- Proceeding closed.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner