

GOA STATE INFORMATION COMMISSION

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Appeal No. 143/2022/SCIC

Vishwanath B. Solienkar,
S1, Artic Apartments,
Behind Don Bosco Engg. College,
Fatorda, Margao-Goa 403602.

.....Appellant

V/S

1. The Public Information Officer,
Office of Town Planner,
Town and Country Planning Department,
Margao-Salcete-Goa.

2. The First Appellate Authority,
Office of Senior Town Planner,
Town and Country Planning Department,
Margao-Salcete-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 01/06/2022

Decided on: 16/12/2022

FACTS IN BRIEF

1. The Appellant, Shri. Vishwanath B. Solienkar r/o. S-1, Artic Apartments, Behind Don Bosco Engineering College, Fatorda, Margao-Goa by his application dated 12/01/2022 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), Office of Town Planner, Town and Country Planning Department, Salcete, Margao-Goa.
2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Senior Town Planner, Town and Country Planning Department, Margao Goa being the First Appellate Authority (FAA).
3. According to the Appellant, during the pendency of the first appeal, the PIO by his reply dated 22/03/2022, refused to disclose the information under Section 7(9) of the Act.

4. Since the FAA failed to hear and dispose the first appeal, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
5. Notices of this second appeal was served to the parties, the representative of the PIO, Adv. A.P. Mandrekar appeared and placed on record the reply of the PIO on 01/08/2022. In spite of valid service of notice, the Appellant did not appear in the matter.
6. Since none of the parties are appearing for the hearings, the Commission finds no reason to further prolong the proceeding and hence proceeds to dispose the appeal on merits.
7. On going through the application filed under Section 6(1) of the Act, it reveals that the Appellant has sought copies of all inspection reports, notes, inspection schedule call letters, remarks, submissions, technical order etc with respect to applications received by the Town and Country Planning Department office Margao from 01/03/2021 till 31/05/2021, which were processed to deliver public service within the time frame in compliance of The Goa (Right to Citizens to Time Bound Delivery of Public Services) Act 2013 and also information including report, remark, note, technical orders, with respect to applications received by the Town and Country Planning Department office Margao from 01/03/2021 till 31/05/2021 which were not processed within the time frame in compliance of The Goa (Right to Citizens to Time Bound Delivery of Public Services) Act 2013; without pin pointing any specific file with its number, survey numbers at least name of project and its location or any details.

If the applicant really wishes to receive complete and correct information, it is in his own interest that he shows due diligence to facilitate identify the information. In the present case, the approach of the Appellant finds to be very casual.

8. On perusal of the reply given by the PIO dated 22/03/2022 to the RTI application, the PIO categorically replied that the information sought is voluminous and providing the said information would disproportionately divert the resources of the public authority and hence attracts the provisions of Section 7(9) of the Act.
9. A perusal of the reply of the PIO dated 01/08/2022, the PIO contended that he has replied the RTI application on 22/03/2022 and delay caused in filing the reply to RTI application was due to he and his family being tested Covid positive at the relevant time and was quarantined subsequently.
10. The point is that, in order to get the information from the public authority, the Appellant has to specify the information as required under Section 6(1) of the Act. In the instant case, what the Appellant has sought would indeed need scrutiny and examination of each individual case file. Looking to the nature of the information sought, this would seriously interrupt and divert the resources of the public authority. The information requested for by the Appellant is so vast that providing this information would disproportionately divert the resources of the public authority and providing the said vast information is wholly unproductive exercise.
11. The High Court of Andhra Pradesh in **Divakar S. Natarajan v/s State of Information Commissioner A.P. (AIR 2009 (NOC) 1362 (AP))** has held that:-

"26. The Act is an effective device, which if utilized judiciously and properly, would help the citizen to become more informed. It no doubt relieves an applicant from the obligation to disclose the reason as to why he wants the information. However, indiscriminate efforts to secure information just for the

sake of it, and without there being any useful purpose to serve, would only put enormous pressure on the limited human resources, that are available. Diversion of such resources, for this task would obviously, be, at the cost of ordinary functioning. Beyond a point, it may even become harassment for the concerned agencies. Much needs to be done in this direction to impart a sense of responsibility on those, who want to derive benefit under the Act, to be more practical and realistic.”

12. Since the Appellant did not participate in the appeal proceeding inspite of ample opportunities, I presume and hold that the Appellant has no say to offer and the reply filed by the PIO has gone unchallenged.

13. Considering the fact and circumstances hereinabove, I do not find any malafide intention in non-furnishing the information. The Appeal is devoid of any merit, therefore stands dismissed.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner