

GOA STATE INFORMATION COMMISSION

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Appeal No. 147/2020

Aslino Fernandes,
R/o. House No. 525, Boutewaddo,
Assagao, Bardez-Goa,
403507.

.....Appellant

V/S

The Public Information Officer,
The Secretary of Village Panchayat of
Assagao, Bardez-Goa.

.....Respondent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 18/09/2020

Decided on: 09/12/2022

FACTS IN BRIEF

1. The Appellant, Aslino Fernandes r/o. H. No. 525, Boutewaddo, Assagao, Bardez-Goa by his application dated 16/12/2019 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), Secretary of Village Panchayat Assagao, Bardez-Goa:-

"Be pleased to issue me the certified copy of the following information as under:

1) In which year the House Nos. 525/5, 525/6, 525/1, 525/2, 525/3, 525/7 and 525/4 are registered in your Panchayat for house tax.

2) Extract of demand and collection registrar with respect to House Nos. 525/5, 525/6, 525/1, 525/2, 525/3, 525/7 and 525/4 from the date of registration till today.

That the said copy is required for taking appropriate steps. That the necessary fees for the issue of the same shall be borne by the undersigned."

2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant preferred first appeal on 30/01/2020 before the Block Development Officer at Mapusa Goa being the First Appellate Authority (FAA).
3. According to the Appellant, during the pendency of first appeal, the PIO furnished him partial information on 30/03/2020 alongwith letter dated 11/02/2020.
4. Meanwhile, the FAA heard the matter and allowed the first appeal by order dated 17/08/2020 and directed the PIO to handover complete information to the Appellant within 15 days.
5. Since the PIO failed and neglected to comply the order of the FAA, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act with the prayer to direct the PIO to furnish the information and to impose the penalty on the PIO for not complying the order of the FAA dated 17/08/2020.
6. Notices were issued to the parties, pursuant to which the Adv. Mishel D'Sa appeared and placed on record the reply of the PIO on 01/12/2021. Appellant represented by Adv. S.S. Azgaonkar placed on record the rejoinder cum written arguments on behalf of the Appellant on 05/05/2022 and matter was posted for final arguments.
7. During the course of final arguments on 17/08/2022, the Adv. D.S. Haldonkar invited my attention to the para No. 6 of the reply filed by the PIO dated 01/12/2021 and has afforded the option of the inspection of the records. Considering the nature of request and clarification of the parties, the Commission directed the advocate for the PIO to give inspection of file on 14/09/2022 between 10:30 am to 11:30 am in the office of the PIO at Assagao, Bardez-Goa. Only with the view to sort out the issue amicably between the parties and matter was posted for compliance on 28/09/2022.

8. However, on 28/09/2022, Appellant appeared and alleged that the PIO failed to give the inspection of the documents as directed by the Commission. On the other hand, the Adv. D.S. Haldonkar contended that the PIO has provided the inspection of file, however, the Appellant was adamant and did not co-operate with the PIO and to support her case, she placed on record the copy of Inspection memo dated 28/09/2022. Since the exercise of mutual understanding has been futile, with the consent of both the parties the Commission again fixed the inspection of records, thereby directing both the counsel to accompany their clients for the inspection of records on 11/11/2022 between 10:30 am to 11:30 am in the office of the PIO at Village Panchayat Assagao, Bardez-Goa and the matter was posted for compliance on 29/11/2022.
9. On the course of hearing on 29/11/2022, the Appellant did not appear for the hearings. Adv. Duhita S. Haldonkar appeared and submitted that in compliance with directions issued by the SCIC, the PIO granted inspection to the Appellant and his counsel on 11/11/2022 and submitted that purported information has been furnished to the Appellant and to substantiate her claim, she produced on record the copy of Inspection memo and note duly endorsed by both the parties alongwith their counsel's.
10. Since the Appellant did not appear for the subsequent hearings viz. 29/11/2022 and 09/12/2022, I presume and hold that the Appellant is satisfied with the information furnished by the PIO. Accordingly the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner