

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 231/2021/SCIC**

Maria Rodrigues,  
H.No. 136, Gauncar Waddo,  
Curca, Bambolim,  
Tiswadi-Goa. 403108.

-----Appellant

**v/s**

1. The Public Information Officer,  
Office of Mapusa Municipal Council,  
Mapusa-Goa. 403507.

2. The First Appellate Authority,  
Office of Mapusa Municipal Council,  
Mapusa-Goa. 403507.

-----Respondents

**Shri Vishwas Satarkar** - State Chief Information Commissioner

**Filed on:- 09/09/2021**

**Decided on: 02/06/2022**

**FACTS IN BRIEF**

1. The Appellant, Maria Rodrigues, r/o. H.No. 136, Gauncar Waddo Curca, Bambolim, Tiswadi-Goa vide her application, by speed post, dated 07/04/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act) sought following information from the Public Information Officer (PIO), of Mapusa Municipal Council, Mapusa-Goa:-

*"Please provide me the following information*

*Particulars of information sought:*

- 1) *Kindly give me certified copies pertaining to Plot No. 13 Chalta number 3 P.T.Sheet number 67 construction licence number 35 issued on 19/09/2013.*

*a) Approved site plan,*

*b) Town and Country Planning Technical Approval letter,*

- c) Occupancy Certificate,*
- d) Completion Certificate,*
- e) Title Document.”*

2. The said application was not responded by the PIO within stipulated period. Therefore, deeming the same as refusal, the Appellant filed first appeal via speed post before the Chief Officer of Mapusa Municipal Council, Mapusa-Goa being the First Appellate Authority (FAA).
3. Since the FAA failed and neglected to hear and dispose the first appeal within prescribed time, the Appellant landed before the Commission by this second appeal under section 19 (3) of the Act.
4. Notice was issued to the parties, pursuant to which non appeared for PIO initially. However the then PIO, Vyankatesh Sawant appeared on 07/03/2022 and submitted that he has been transferred to Corporation of City of Panaji and requested to issue fresh notice to the incumbent PIO. In spite of a valid service of notice the PIO and FAA did not appear for the hearings before the Commission, I therefore dispose this present appeal on the basis of available records.
5. On perusal of the RTI application dated 07/04/2021, it is revealed that, the Appellant has sought information with regards to the construction licence bearing No. 35 issued on 19/09/2013 by the Mapusa Municipal Council pertaining to plot No. 13 chalta No. 3, P.T. Sheet No. 67 alongwith occupancy certificate, completion certificate, approved site plan, approval letter of Town and Country Planning and title documents.
6. Information sought by the Appellant pertains to the construction licence, occupancy certificate and completion certificate which are generated by public authority in exercise of its statutory powers and

they are in exclusive custody of the public authority and rest of the information sought with regards to the copy of approved site plan, Approval from Town and Country Planning and title documents are pertains to the documents submitted by the party to get permission/licence from the public authority. Though the said documents are related to the third party, the licence was granted on the basis of the said documents by the public authority in exercising its statutory functions, therefore same are in public domain and certainly not confidential information. Any deviation in carrying out the construction beyond the approved plan would affect the public activity/public interest. Apart from that, the citizen has got right to know whether there is any procedural lapse in granting the licence.

7. Section 3 of the Act states that subject to the provisions of the Act, all citizens have the right to information. The whole purpose of the Act is to secure access of information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. Under section 7(1) of the Act, the PIO is required to dispose the request of the seeker within 30 days. Therefore it was bounden duty of the PIO to furnish the information on or before 07/05/2021. However the PIO has miserably failed to respond to the RTI application.
8. Under section 19(6) of the Act, the FAA should dispose off the first appeal within the period of 30 days from the receipt of the first appeal. In exceptional cases, the Appellate authority may take 45 days to dispose off the appeal by showing reasonable cause for the delay in deciding the appeal.
9. However, in the present case, the PIO and the FAA has miserably failed to furnish the information to the Appellant. Though the information sought by the Appellant via speed post, her RTI

application was accompanied with the fees as prescribed under section 6(1) of the Act, therefore it is incumbent upon the PIO to respond the said application within stipulated time.

10. In spite of valid service of notice, the PIO also failed and neglected to appear for the hearings, thus shown lack of concern to the process of the Commission and failed to discharge his responsibility.

11. The Delhi High Court in the case **State Bank of India v/s Mohd. Shahjahan (W.P. No. 9810/2009)** has observed as under:-

*"22. The very object and purpose of the RTI Act is to make the working of Public Authorities transparent and accountable. For the purpose of RTI Act, all information held by a Public Authority is accessible except to the extent such information is expressly exempted from disclosure as provided in the RTI Act itself. In other words, unless the Public Authority is able to demonstrate why the information held by it should be exempt from disclosure, it should normally be disclosed. The burden, therefore, is entirely on the Public Authority to show why the information sought from it should not be disclosed."*

12. Considering the fact and circumstances before me and the failure of the public authority to justify the denial of information, I find that the PIO has deliberately denied the information. I am of the view that the Appellant deserves relief. The appeal is therefore allowed with the following:-

## **ORDER**

- The PIO, Mapusa Municipal Council, Mapusa, Bardez-Goa shall furnish to the Appellant free of cost the entire information as

sought by her vide her application dated 07/04/2021 within a period of **FIFTEEN DAYS** from the receipt of the order.

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

SD/-

**(Vishwas R. Satarkar)**  
State Chief Information Commissioner