

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 114/2022/SIC

Shri. Menino Furtado,
H.No. 1378, Damon (West),
P.O. Raia,
Salcete-Goa 403720.

-----Appellant

v/s

The Secretary/ Public Information Officer,
Village Panchayat of Raia,
Salcete-Goa.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 15/05/2020
Application transferred to PIO, V.P. Raia	: 27/05/2020
PIO replied on	: Nil
First appeal filed on	: 25/11/2021
First Appellate Authority order passed on	: 30/12/2021
Second appeal received on	: 11/04/2022
Decided on	: 21/11/2022

ORDER

1. Being aggrieved by non furnishing of the information sought under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), inspite of the direction from the appellate authority, appellant under Section 19 (3) of the Act filed the second appeal against Respondent Public Information Officer (PIO), Secretary, Village Panchayat of Raia, which came for hearing before the Commission on 11/04/2022.
2. The brief facts of the appeal, as contended by the appellant are that vide application dated 15/05/2020 he had sought certain information from the office of the Deputy Director of Panchayats, South Goa. PIO, Superintendent, Office of the Deputy Director of Panchayats vide letter dated 27/05/2020 transferred the application to the Respondent PIO, secretary, Village Panchayat Raia. Appellant received no reply from the PIO, Village Panchayat of Raia, hence filed

appeal before the First Appellate Authority (FAA), Block Development Officer (B.D.O.) Salcete, Margao-Goa. FAA vide order dated 11/01/2022 directed PIO to furnish the information within 10 days. Being aggrieved for by non compliance of the said order by the PIO, appellant approached the Commission.

3. Notice was issued to both the sides and the matter was taken up for hearing. Shri. Prabhakar Kamati, respondent PIO, appeared and filed reply dated 08/06/2022. It is observed that appellant preferred not to appear before the Commission, nor filed any submission during the proceeding. Rule 7 (2) of The Goa State Information Commission (Appeal Procedure) Rules, 2006 allows appellant to opt not to be present for the proceeding. Accordingly, the matter has been heard and decided on merit.
4. Appellant vide appeal memo stated that, the PIO neither replied to his application, nor furnished any information sought by him. Appellant further stated that, FAA, while deciding the first appeal, had directed PIO to furnish the information within 10 days. However, he has not received any information, hence he presses for the information and penal action against the PIO.
5. Respondent submitted that, the appellant had sought information on five points, out of which point no. 1 pertains to query on Goa Panchayat Raj Act, which PIO is not required to answer. With respect to point no. 2 and 3 , the house structure referred by the appellant is having permissions from TCP and Village Panchayat Raia, the appellant may apply separately for the relevant documents. PIO further submitted that the report sought under point no. 4 is not traceable in the office records. Further, with respect to point no. 5, the appellant has not provided any details of the complaint referred by him in the application, hence the said information cannot be furnished.

6. Upon careful perusal of the records of the instant case it is seen that, the appellant vide his application had sought for information on 05 points. As stated by the PIO, no information can be furnished for query under point no. 1. The Act provides for information as is available and the PIO is not required to collate the information or to give his opinion on the query raised by the appellant. Similarly, information requested on point no. 2 is not specific, hence PIO is not mandated to furnish the same.

However, it is seen that, point no. 3 of the application is about permissions, clearances from the SGPDA and other competent bodies, to which PIO has admitted that the TCP and Village Panchayat Raia has issued necessary permissions. In such a case the PIO was required to furnish the available documents with respect to point no. 3, which he has failed to do. Similarly, appellant had sought site inspection report of the inspection conducted on 31/05/2019 by the Village Panchayat authorities. Hence, the said report has to be available in the office of the Panchayat and the same has to be furnished to the appellant.

Lastly, appellant vide point no. 5 of his applications, has requested for another inspection report, however no details of the said inspection are provided by him. Therefore, the Commission holds that the PIO was unable to provide any information to the appellant on point no. 5.

7. With the findings as mentioned above in para 6, the Commission concludes that the information sought by the appellant on point no. 1, 2 and 5 is not clear in the absence of specific details pertaining to the information. However, information requested on point no. 3 and 4 is clear and specific, hence PIO is required to furnish the information, as is available on point no. 3 and 4.
8. The Commission observes that, the PIO did not issue any reply to the appellant as required under Section 7 (1) of the Act, within the stipulated period. The Act mandates the PIO to convey his decision

and / or furnish the information within the stipulated period of 30 days, to the appellant. Hence, the Commission issues stern warning to the PIO to comply with the provisions of the Act, hereafter.

9. In the background of the facts mentioned above, the instant appeal is disposed with the following order:-

a) PIO is directed to furnish information on point no. 3 and 4 sought by the appellant vide application dated 15/05/2020, within 20 days from the receipt of this order, free of cost.

b) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission
Panaji - Goa

