

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 143/2020/SIC-I

Smt. Cicilia @ Cecilia Afonso,
H. No. 387, Dando, Goa Velha,
Tiswadi Goa, 403108

....Appellant

V/s

1. Public Information Officer (PIO),
Secretary, Village Panchayat of
Goa Velha, Tiswadi, Goa – 403108

2. First Appellate Authority (FAA),
Block Development Officer,
6th floor, Junta House, Panaji Goa.

..... Respondents

Filed on : 15/09/2020

Decided on : 21/04/2022

Relevant dates emerging from appeal:

| | |
|---------------------------|--------------|
| RTI application filed on | : 13/11/2019 |
| PIO replied on | : 03/01/2020 |
| First appeal filed on | : 17/12/2019 |
| FAA order passed on | : 12/02/2020 |
| Second appeal received on | : 15/09/2020 |

ORDER

1. The Second appeal filed by the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the Act) against Respondent No. 1 Public Information Officer (PIO) and Respondent No. 2 First Appellate Authority (FAA) came before the Commission on 15/09/2020.

2. The brief facts of this appeal are as under :-

a) The Appellant vide application dated 13/11/2019 sought information on six points from the PIO. Aggrieved due to no response from the PIO within

the stipulated period, she filed first appeal before the FAA.

b) Pending the appeal proceedings, PIO issued a reply dated 03/01/2020 to the appellant stating that the application could not be disposed within 30 days due to oversight. However, complete information was not furnished.

c) The FAA vide order dated 12/02/2020 directed the PIO to go through the records and furnish the information within 15 days. However PIO did not comply with the order and hence the appellant preferred second appeal with prayers such as complete information, penalty on PIO and compensation of Rs. 10,000/- to the appellant.

3. The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice, representative of FAA appeared and filed reply dated 05/10/2020 on behalf of FAA. Advocate P. Gawandi appeared on 01/04/2021 on behalf of PIO and filed reply. PIO filed additional submission dated 31/03/2022 through Advocate Pronoy Kamat and Advocate Shilpa Kamat. Appellant represented by Advocate Manoj Naik and Advocate Yogeeta M. Naik, filed a submission on 12/01/2022 and later argued the matter.

4. The FAA vide reply dated 05/10/2020 stated that, after hearing both the parties, an order has been passed directing the PIO to furnish the information desired by the appellant , free of cost. The FAA further stated that the first appeal has been decided within the stipulated period.

5. PIO stated in his reply that he has not ignored the request of appellant. Information under point No. 1 and 2 could not be furnished since the same was sought by mentioning survey number and no other references were provided. Panchayat does not have records of information about construction as per survey numbers. The information sought under point No. 3 is vague and not possible to provide without some references by the appellant. The information, under point no. 4 and 5 has been furnished and, under point no. 6, the appellant seeks information which is 40 years old, and the PIO is unable to furnish the same without appellant's help. Further, PIO stated that the appellant has been allowed the inspection of the available records in the Panchayat office and full cooperation of the staff was provided to her. The PIO has furnished the available information and the appellant cannot force PIO to provide any information which is not available or without the appellant providing relevant details.

6. The appellant stated that the PIO has acted contrary to the provision of section 7 of the Act and malafidely and deliberately provided incorrect and incomplete information. Appellant, a senior lady visited PIO's office many times requesting him to provide the information, however the PIO evaded his responsibility. Appellant further stated vide submission dated 12/01/2022 that during the inspection on 06/12/2021 PIO was not present in the office and on 21/12/2021 PIO did not provide certain files for inspection. No construction license records or any records pertaining to relevant resolutions were shown to her. Similarly, no records in respect of point no. 5 were shown to her. Hence PIO be directed to furnish the information requested by the appellant.

7. Advocate Pronoy Kamat, appearing for the PIO, argued before this authority that the information sought by the appellant is very old and also vague. Hence the PIO volunteered to provide the inspection. PIO is willing to furnish the information, if identified by the appellant.
8. Upon perusal of the RTI application dated 13/11/2019, it reveals that the appellant sought information on 6 points, pertaining to her house which according to her is in dilapidated condition. PIO furnished part information and expressed his inability to furnish the remaining information for want of relevant references from the appellant. It is understandable that since the records are about 40 years old, and not created during the tenure of the present PIO, some assistance in the form of reference is needed. This may be the appellant visiting the PIO's office to inspect the records or providing relevant references to the PIO in order to enable him to search the records.
9. The Commission during hearing on 04/02/2022 suggested appellant to undertake one more inspection and provide relevant references to the PIO and directed PIO to furnish the documents identified by the appellant. Accordingly, inspection was undertaken on 28/03/2022 and 29/03/2022 and documents identified by the appellant alongwith her Advocate Yogita M. Naik were furnished by the PIO. During the hearing on 31/03/2022, PIO stated that the information has been furnished and the same is also acknowledged by the appellant before the Commission.
10. Hence, the Commission concludes that the information sought by the appellant vide application dated 13/11/2019 is finally furnished by the PIO. Therefore the prayer for information becomes infructuous. The Commission does not contemplate penal action under section 20 of the Act against him. Since the

information has been furnished the appeal needs to be decided accordingly.

11. In the light of above discussion, the appeal is disposed with the following order:-

a) As the prayer for information becomes infructuous, no more intervention of the Commission is required in the matter.

b) PIO is directed to entertain and decide applications received under section 6 (1) of the Act strictly as per the provisions of the Act.

c) All other prayer are rejected.

Proceedings 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