

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 209/2023/SCIC

Mr. Antonio Roque Lacerda,
H.No. 619, Dandeavaddo, Chinchinim,
Salcete-Goa 403715.

.....Appellant

V/S

1. The Public Information Officer,
The Secretary,
The Village Panchayat Chinchinim,
Chinchinim, Salcete-Goa 403715.

2. The First Appellate Authority,
The Block Development Officer-II Salcete,
2nd Floor, Mathany Saldana Complex,
Margao, Salcete-Goa 403601.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 14/06/2023

Decided on: 01/11/2023

ORDER

1. The Appellant, Mr. Antonio Roque Lacerda r/o. H.No. 619, Dandeavaddo, Chinchinim, Salcete-Goa vide his application dated 18/02/2023 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), Office of Village Panchayat Chinchinim, Salcete-Goa:-

"With reference to the above, request the following information in the form of certified copies from your good office.

- 1) Copy of Construction license with no. VPCD/C.L.No.33/87-88/638 along with all approved proposed plans (approved vide resolution no. 9 dated 29/1/1988) and or any final plans/ plans with approved deviations if any.

2) Copy of fee paid receipt for Construction license with no. VPCD/C.L. No. 33/87-88/638.

3) Copy of Occupancy certificate issued towards Construction license n. VPCD/C.L. No. 33/87-88/638."

2. The PIO responded on 09/03/2023 in the following manner:-

1) In respect to serial No. (1), Construction license with no. VPCD/C.L. No. 33/87-88/638 along all approved proposed plans (approved vide resolution no. 9 dated 29/01/1988) and or any final plans/ plans with approved deviations –the same is not reflected / available on the construction licence register.

2) In respect to serial No. (2), fee paid receipt for Construction license with no. VPCD/C.L. No. 33/87-88/638- refer to serial no. 1.

3) In respect to serial No. (3), Occupancy certificate issued towards Construction license no. VPCD/C.L. No. 33/87-88/638- refer to serial no. 1."

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Block Development Officer-II, Margao-Goa on 15/03/2023, being the First Appellate Authority (FAA).

4. The FAA vide its order dated 11/04/2023, allowed the first appeal and directed the PIO to do thorough search of the file and if such information is not traceable than, file a complaint with the Police Department.

5. Since the PIO failed and neglected to comply with the order of the FAA dated 11/04/2023, 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 or in alternate the PIO be directed to file an FIR for missing of the records.

6. Notices were issued to the parties, pursuant to which, Adv. Joshua Gracias appeared on behalf of the Appellant, Adv. Nikhil Kerkar appeared on behalf of the PIO, reply filed by the FAA through entry registry dated 26/07/2023 is taken on record.
7. During the course of hearing on 29/09/2023, Adv. S. Pai appeared on behalf of the PIO and sought time to file reply in the matter and matter was posted for reply/ argument on 01/11/2023.
8. In the course of argument today i.e. on 01/11/2023, Adv. Sahil Sardesai appeared and submitted that inspite of thorough search of the records, the PIO could not locate the file, being so he lodged the complaint before the Police Inspector, Cuncolim Police Station, Cuncolim, Salcete-Goa on 25/04/2023 and to substantiate his claim he produced on record the copy of the complaint filed by Village Panchayat Chinchinim-Deussua, Goa dated 25/04/2023, which is duly acknowledged by Cuncolim Police Station, Cuncolim-Goa.
9. It is a consistent stand of the PIO that file bearing No. VP/CD/C.L. No. 33/87-88/638 is not available in records of the V.P. Chinchinim. It is also significant to note that information sought with regards to construction licence issued by the Panchayat pertains to the year 1988, which is sought after the span of about 35 years. It is quite probable that the records may not be available with the records of the Village Panchayat Chinchinim, Salcete-Goa.
10. Since the information is not available in the records, the Commission cannot issue any direction to the PIO to furnish non-existing information. Since all the attempts to locate the information in this matter have failed, no purpose would be served by prolonging the matter. In case at any time in future the file

bearing No. VP/CD/C.L. No. 33/87-88/638 is traced, the PIO is duty bound to furnish the information to the Appellant.

11. In view of the complaint lodged by the office of Village Panchayat Chinchinim-Deussua, Salcete-Goa for missing of records dated 25/04/2023, the matter is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner