

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 250/2022/SIC

Nixon L. Furtado,
H.No. 51, Copelwaddo,
Sernabatim, Salcete Goa,
403101.

-----Appellant

v/s

The Public Information Officer,
O/o. The Town & Country Planning Department (South),
Margao, Salcete-Goa,
403601.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 21/03/2022
PIO replied on	: 29/04/2022
First appeal filed on	: 30/06/2022
First Appellate Authority order passed on	: 03/08/2022
Second appeal received on	: 21/09/2022
Decided on	: 25/05/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent Public Information Officer (PIO), Office of the Town and Country Planning (TCP) Department, Margao Goa, came before the Commission on 21/09/2022.
2. It is the contention of the appellant that, he had sought information on three points, pertaining to the notings dated 28/06/2010 of the TCP Department. Not satisfied with the reply of the PIO, appellant filed appeal before FAA, which was disposed on 03/08/2022. Being aggrieved, appellant has appeared before the Commission by way of second appeal.
3. The concerned parties were notified, pursuant to the notice, appellant appeared and prayed for the information and punishment to the PIO for not complying with Section 7 (1) of the Act. Shri. Nevil Furtado appeared on behalf of the appellant on 12/01/2023 and filed

submission. Shri. S. P. Surlakar, PIO appeared in person and filed reply dated 23/11/2022. Another submission dated 25/05/2023 was filed on behalf of the appellant.

4. PIO stated that, he had informed the appellant that the relevant file containing the information sought by the appellant is not available, hence, information cannot be furnished. PIO further stated that, details regarding the said file transferred by the South Goa Planning and Development Authority (SGPDA) to the public authority in the instant matter are being sought, however, no such details were provided by SGPDA, hence information cannot be furnished to the appellant.
5. Appellant submitted that, the reply of the PIO is not convincing and the said reply and the stand of the PIO has compelled him to suffer by wasting valuable time and money. The information sought is with respect to illegal N.O.C. issued to one person, hence, the disclosure of the information is in public interest and he insists on getting the said information.
6. Upon perusal of the reply and submissions of both the sides the Commission notes that the information sought is in public domain, has to be available in the records of the PIO, though the same is more than 30 years old and PIO being the custodian of the records in his office is required to maintain and preserve these records in safe custody for the benefit of citizens. Considering this, the Commission directed PIO to undertake detail search of his records and try to trace the relevant file or file an affidavit stating the said file is not available in his office. PIO was granted reasonable opportunity and time in order to enable him to search and locate the relevant file.
7. During the proceeding on 03/05/2023 PIO appeared in person and stated that he alongwith his colleagues carried out rigorous search of the entire records and finally found the concerned file. PIO produced

the said file before the Commission and undertook to furnish copy of all relevant documents existing in the said file to the appellant. Shri. Nevil Furtado, who was present on behalf of the appellant agreed to visit PIO's office and collect the relevant information.

8. Later, vide submission dated 25/05/2023 appellant acknowledged receipt of the information. However, he prayed for compensation from the authority by stating that the PIO furnished the information after delay of more than one year and due to the irresponsible behaviour of the said PIO, the appellant has suffered under stress and financial losses, hence he prays for the compensation from the public authority.
9. The Commission agrees with the grievance of the appellant that he had to wait for more than one year and approach the appellate authorities in order to get the information. However, it is noted that the said information, i.e. the file was more than 30 years old and it is the considered opinion of the Commission that the PIO was required to be given sufficient time to trace the file. Consequently, the appellant has received the information. Thus, the Commission is not in favour of initiating any action against the PIO or granting any compensation to the appellant, though the Commission directs the PIO to ensure that the applications received under Section 6 (1) of the Act hereafter, are replied and information sought is provided within the stipulated period of 30 days.
10. In view of the facts as mentioned in the above para, the Commission concludes that the information sought by the appellant has been furnished and no more intervention of the Commission is required in the instant matter.
11. Thus, the present appeal is disposed accordingly and the 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.