

GOA STATE INFORMATION COMMISSION

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

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 92/2023/SIC

Shri. Anthony D’ Cruz,
212/D, Shalu Home,
Dagvale, Maina, Curtorim,
Salcete-Goa 403709.

-----Appellant

v/s

1. The Public Information Officer,
Health Officer, Primary Health Centre,
Curtorim-Goa.

2. The Director of Health Services,
First Appellate Authority,
Campal, Panaji-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 07/11/2022
PIO replied on	: 15/11/2022
First appeal filed on	: 14/12/2022
First Appellate Authority order passed on	: 13/01/2023
Second appeal received on	: 27/02/2023
Decided on	: 10/07/2023

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 No. 1, Public Information Officer (PIO), Health Officer, Primary Health Centre, Curtorim Goa and Respondent No. 2, First Appellate Authority (FAA), the Director of Health Services, Panaji Goa, came before the Commission on 27/02/2023.
2. It is the contention of the appellant that he did not get correct and complete information from the PIO and being aggrieved filed first appeal before the FAA. FAA disposed the appeal without application of mind and under wrong interpretation of Section 2 (f) of the Act. Thus, he has appeared before the Commission by way of second appeal.
3. Pursuant to the notice appellant appeared in person praying for complete information. Dr. Vallabh Nadkarni, PIO appeared in person and filed replies on 03/05/2023, 24/05/2023 and 20/06/2023. Smt. Preciosa Josefa das Mercedes Joao, Head Clerk appeared on behalf of the FAA under authority letter. Appellant filed submission on 24/05/2023 and 05/06/2023.

4. PIO stated that, the appellant was provided reply and information within the stipulated period. That, the appellant had requested for certified copy of the NOC issued by PHC Curtorim to Shri. Mariano Francisco Gonsalves. As per the records NOC was issued by PHC Curtorim to the office of the Village Panchayat Curtorim with reference to application received from Shri. Mariano Francisco Gonsalves. The said NOC was issued by PHC Curtorim to Village Panchayat Curtorim with respect to sanitation point and the same is not for carrying out any business. PIO further stated that, even though the requested information does not exist he had furnished the appellant copy of NOC dated 20/09/2010 issued by PHC Curtorim to Village Panchayat Curtorim.
5. PIO further stated that no other information pertaining to the application is available in his records. Also, other matters in the application of the appellant are his grievances and complaints which does not come under the purview of the Act.
6. Appellant argued stating that, PHC Curtorim without any authority has issued NOC to operate an industrial battery manufacturing unit in residential area, operated by Francis Gonsalves and Franzel Gonsalves. Further, he requests the PHC Curtorim to revoke the NOC and prays before the Commission to issue appropriate direction to the concerned authorities to stop the said illegal business.
7. Upon perusal of the records of the present matter it is seen that, the appellant had requested for certified copy of NOC issued for running a business of assembling, manufacturing of car batteries at the residence of Shri. Gonsalves. The said NOC was not issued by the PIO's office, i.e. PHC Curtorim. The same might have been issued by some other authority. PIO's office had issued NOC with respect to sanitation aspect upon the request of Village Panchayat Curtorim and copy of the said NOC as exists has been already furnished to the appellant and the appellant has acknowledged the same before the Commission.
8. It is further seen that, the appellant is aggrieved because the said unit is being operated in a residential area, in the neighbourhood of the appellant. It appears from the arguments of the appellant that he and his family are getting affected by sound and dust pollution caused by the said unit and also the effluents released in the open.
9. Upon careful perusal of the application, the Commission observes that though the appellant has mentioned eight points (a to h) in the

application, under point (a) he has requested for certified copy of NOC issued to the owner of the business by the PHC Curtorim and all other points are either repetitive or includes grievances and complaints which does not fit as information under Section 2 (f) of the Act. Also, PIO has furnished the appellant copy of the NOC, which was not issued by his office but issued by the Village Panchayat Curtorim. Thus, the Commission finds that the PIO is not required to furnish any further information with respect to the application dated 07/11/2022.

10. With respect to the other prayers such as revoking the NOC issued to the said business and issuing any direction to any authority to stop the said business, the Commission has no such jurisdiction under the Act.
11. In the light of above discussion the Commission concludes that the instant appeal is devoid of merit, thus the order of the FAA is upheld and the present appeal is disposed as dismissed.

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.