

GOA STATE INFORMATION COMMISSION

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Appeal No. 193/2024/SCIC

Shri. Satish V. Fadte,
R/o H.No. 52/2, Quegdictto,
Cuncolim, Salcette-Goa.

----Appellant

V/s

1.The Public Information Officer,
Cuncolim Municipal Council,
South Goa, Salcete,
Cuncolim, Goa 403703.

2.The First Appellate Authority,
Chief Officer, Cuncolim Municipal Council,
South Goa, Salcete,
Cuncolim, Goa 403703.

-----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	- 27-06-2024
PIO replied on	- Nil
First Appeal filed on	- 01-08-2024
First Appellate order on	- Nil
Second appeal received on	- 17-09-2024
Decision of the Second Appeal on	- 03-04-2025

Information sought and background of the Appeal

- Shri. Satish V. Fadte filed an application dated 27/06/2024 to the PIO, Cuncolim Municipal Council seeking following information with regard to the inspection (07/09/2021) report sent by the Chief Town Planner in Cuncolim Municipality in connection with Appellant's application dated 02/08/2021 to the Town & Country Planning Department, Margao requesting permission to erect a gate in his plot bearing Survey No. 244/1, Cuncolim Town :

- "What reply has been given to the Chief Town Planner.*
- Reason of delay for informing the complainant."*

2. Failing to receive any reply/information from the PIO to his RTI application, Appellant filed first appeal dated 01/08/2024 to the First Appellate Authority(Chief Officer, Cuncolim Municipal Council)

Perusal of records reveals that-

- i. Shri. Vinod Kumar Chandra, Town Planner, Town &Country Planning Department, Margao vide letter dated 07/09/2021 addressed to the Chief Officer Cuncolim Municipal Council stated that *"the site was inspected by the officials of the Town & Country Planning Department, Margao and it is seen that asphalted road is existing and compound walls on both the sides of the road are constructed. Road is providing access to many houses, In view of the above, you are requested to inform this office whether the existing 2.50 mtrs wide road is public road or private road and can be closed with gate.*
The above mentioned information is required to deal with the application of Shri. Satish V. Fadte seeking permission to erect a gate in plot bearing Survey No.244/1 of Cuncolim Village Salcette Taluka."
- ii. Appellant Shri. Satish V. Fadte vide letter dated 14/06/2021 brought the attention of Chief Officer, Cuncolim Municipal Council into his application seeking permission to erect a gate in the plot bearing No.244/1, Cuncolim Village .
- iii. The Chief Officer, Cuncolim Municipal Council, Violet Gomes vide letter dated 18/06/2021 asked the Appellant Satish Fadte to submit following documents in order to consider his request for permission to erect a gate in his plot bearing No.244/1.
 - a. *Ownership documents.*
 - b. *Technical clearance from Town & Country Planning as per GMA 2010.*
 - c. *NOC from owner of adjacent property.*
- iv. In his reply dated 05/07/2021 to the letter dated 18/06/2021 of the Chief Officer, Cuncolim Municipal Council, Appellant Satish Fadte expressed reservation over seeking NOC from the neighbour to erect gate in his own plot.
- v. Dy. Director, Urban Development vide letter dated 02/07/2024 forwarded an application dated 25/06/2024 of the Appellant to the Director of Municipal Administration regarding pending decision on the request to erect

a gate to the Chief Officer, Cuncolim Municipal Council for furnishing Action Taken Report within 15 days of the receipt of the letter.

3. Aggrieved by the FAA's failure to decide in his first appeal, Appellant preferred Second appeal dated 17/09/2024 before the Commission stating that information sought for vide application dated 27/06/2024 is not furnished by the Respondent PIO and FAA and prayed for direction to the Respondent PIO to furnish information and also to impose penalty and recommend disciplinary action against the Respondent No. 1 & 2.

Facts Emerging in Course of Hearing

4. Pursuant to the present appeal, parties were notified fixing the matter for hearing on 26/11/2024 for which Appellant appeared along with Adv. Shalom Sardinha and Respondent PIO Shri. Uday Dessai appeared in person.
5. Respondent PIO filed his written reply dated 26/11/2024 to the present appeal and a copy of the reply dated 25/11/2024 furnished by the PIO to the Appellant's RTI application dated 27/06/2024. In written reply, Respondent PIO submitted that the specific information sought by the Appellant with regard to the year 2021, is not traceable in the records/files available for the relevant period. The reply to the RTI application is an under :

"Point No.1- Copy enclosed.

Point No.2- The matter was under process."

The above said 'copy enclosed' is a copy of the letter dated 19/08/2024 addressed to the Senior Town Planner, TCP Department, Margao by the Chief Officer, Cuncolim Municipal Council, Shri. Joao B. Fernandes over the Appellant's request for permission to erect a gate in his own plot.

6. When the matter took up for hearing on 20.12.2024, Adv. Shalom Sardinha filed written argument dated 16/12/2024 on behalf of the Appellant in which he had mentioned that on 07/09/2021, a direction was sent by the Chief Town Planner to the Cuncolim Municipal Council to inform the Office of Chief Town Planner 'whether the existing 2.5 mtrs. road is a public road or private road and can be closed with a gate'.

7. Appellant further submitted that inspection on his application seeking permission to erect a gate in his plot was conducted by a team headed by Municipal Engineer-III on 06/08/2024 after 51 days of filing the RTI application. However, no copy was marked to the Appellant when the Chief Officer, Cuncolim Municipal Council forwarded the inspection report to the Senior Town Planner vide letter dated 19/08/2024 and there is no inward number or receipt date also.
8. In his written statement dated 06/01/2025, Respondent PIO submitted that following the receipt of the RTI application dated 27/06/2024, inspection/Survey in connection with the request for permission to erect gate in the plot Survey No. 244/1 of the Appellant was conducted on 16/08/2024 and the reply prepared on the same day with Chief Officer's signature in the covering letter dated 19/08/2024 to the Town & Country Planning officer. However, the clerk failed to dispatch the letter and found that the said letter has not been inwarded at the Town & Country Planning Department and Respondent PIO admitted that he personally inwarded the same on 26/11/2024.
9. When the matter took up for final hearing today i.e. 03/04/2025, Respondent PIO and Appellant appeared in person. Following the intervention of the Commission, Respondent PIO filed a copy of the permission granted by the Chief Officer, Cuncolim Municipal Council, Shri. Joao B. Fernandes to the Appellant Shri. Satish V. Fadte vide File No.CMC/Tech/Per/2024/3876 dated 25/02/2025 to carry out repair of the existing gate in Survey No.244/2 of Cuncolim Village. This information has been sought by the Appellant vide RTI application dated 27/06/2024 following a total inaction on his application dated 02/08/2021 seeking permission to erect gate in his plot bearing Survey No.244/1, Cuncolim Village.

Commission's Observation

10. Commission observed serious lapse on the part of the Respondent PIO in furnishing information within the stipulated time or thereafter until the intervention of the Commission.

Respondent No.2, (FAA, then Chief Officer Violet Gomes) was noticed for totally casual, negligent and irresponsible approach in the first appeal by not deciding the appeal.

In the present appeal, Respondent No.1/PIO is liable for penal action and the conduct of Respondent No.2/FAA in the first appeal of Appellant is fit for disciplinary proceedings for utterly failing to discharge duties/obligations cast up on him by the provisions of the RTI Act, 2005. But by taking a lenient view, towards both, Commission limited the action against them with a 'stern warning' to discharge their duties as PIO and FAA totally in accordance with the provisions of the RTI Act, 2005.

DECISION

Since the Appellant received desired information, after Commission's intervention, the present appeal does not warrant further proceedings and hence Commission decided to dispose off the Appeal No. 193/2024/SCIC today i.e.03/04/2025.

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC

