

GOA STATE INFORMATION COMMISSION
 'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in website: www.gsic.goa.gov.in

Appeal No. 301/2023/SCIC

Girdharlal M. Gangani,
 Galaxy Building,
 Dr. A. B. Borkar Road,
 Opposite Hotel Nova Goa,
 Panaji Goa 403001.

.....Appellant

V/s

1.The Public Information Officer,
 The Secretary,
 Village Panchayat Penha da Franca,
 Britona, Bardez Goa 403101.

2.The First Appellate Authority,
 Block Development Officer-II,
 Mapusa, Bardez Goa, 403507.

.....Respondents

Shri. Aravind Kumar H. Nair - State Chief Information Commissioner

Relevant facts emerging from the Appeal

RTI application filed on	- 15-04-2023
PIO replied on	- 12-05-2023
First Appeal filed on	- 06-06-2023
First Appellate order on	- 12-07-2023
Second appeal received on	- 30-08-2023
Decision of the Second Appeal on	- 31-12-2024

Information sought and background of this Appeal.

- Shri. Girdharlal M. Gangani filed an RTI application dated 15/04/2023 seeking following information from the PIO, Village Panchayat, Penha-De-Franca with regard to transfer of house tax record of H. No. LSG-248 vide Village Panchayat Meeting No. 02 held on 27/10/2010 alongwith the Resolution passed:-

- Name of the Appellant and the copy of his application alongwith the annexure.*
- The date of creation of the house tax records for the House No. LSG-248 alongwith the copy of the occupancy certificate.*

- iii. *Copy of the necessary NOC/consent required for transfer of House tax records from the transferor to the transferee.*
- iv. *Copy of list of all the Designated persons recorded as present during the passing of the resolution under reference.*
- v. *Inspection of all the files/records pertaining to the subject House tax transfer.*

2. PIO vide letter dated 12/05/2023 replied to the RTI application as under:-

- i. *Point 1 – enclosed certified copy of application for transfer of house tax alongwith annexures at page 1-14*
- ii. *Point 2 – Refer point 4*
- iii. *Point 3 – Enclosed certified copy of Sale Agreement dated 18/04/2009 annexed page 2-10.*
- iv. *Point 4 – Enclosed certified copy of Resolution vide dated 11/08/2010 annexed at page 15-16.*
- v. *Point 5 – Inspected records pertaining to house tax transfer on 12/05/2023.*

3. Dissatisfied over the reply from the PIO to his RTI application, Shri. Girdharlal M. Gangani filed first appeal dated 06/06/2023 to the FAA (Block Development Officer, Bardez-Goa) stating that the PIO has failed to provide the relevant information. Appellant further stated that he has reasons to suspect that the Village Panchayat Secretary/PIO is trying to hide some fraudulent acts committed by the Village Panchayat and his opponent in a civil court proceeding in respect of building project 'Jay Kamal Complex'. In his first appeal, Appellant prayed for directions to the PIO to immediately provide the correct information and initiate official/ penal action against Respondent PIO for non-compliance of the RTI application.

4. After hearing both the parties, FAA vide order dated 12/07/2023 directed the PIO *"to give physical inspection of the documents in the present proceedings within 15 days from passing of the order and to provide information or documents if required."*

5. Subsequently the Appellant vide letter dated 22/07/2023 reminded the PIO that he has not received any communication till date about the

inspection of the documents as directed by the FAA and again vide letter dated 07/08/2023 sought following pending information to his RTI application.

- 1) Certified copy of the application alongwith all the annexure thereto based on which the resolution No. 24 was passed by the Village Panchayat on 27/10/2010.*
- 2) Copy of the current updated status of the House tax Records in respect of the H. No. LSG-248 as mentioned by your office in the "Demand and Collection Register.*

6. Aggrieved over not receiving information despite order issued by the FAA directing the PIO to furnish information within 15 days of his order dated 12/07/2023, Appellant preferred second appeal dated 30/08/2023 before the Commission stating that the intentional or otherwise delay in providing the correct information by the PIO has proved detrimental to the Appellant and stated that whatever information provided by the PIO on 12/05/2023 is incorrect and misleading. Appellant's prayer in the second appeal is:

- 1) Direct the PIO to immediately furnish the pending information to 3 points*
- 2) Direct the PIO to file an affidavit in respect of the facts in respect of the information with regards to the above mentioned 3 points.*
- 3) Invoke power u/s 18(3)(e), 18(8)(b) and 20 of RTI Act while conducting further proceedings.*

7. Pursuant to the appeal, parties were notified and the matter called out for first hearing on 19/10/2023.

Facts emerging in course of hearing

8. Respondent PIO in his reply dated 21/02/2024 stated that the records of the Village Panchayat shows that one Mr. Nitin Jagtap submitted an application dated 29/07/2010 for transfer of house tax which was inwarded on 31/07/2010 carrying inward No. 950 and a copy of the same is furnished to the Appellant. Alongwith the said application for transfer of house tax, an agreement for sale dated 18th April, 2009 with a share certificate was also submitted by Mr. Nitin Jagtap and copy of this document is provided to the Appellant.

9. Respondent PIO further submitted that Village Panchayat body meeting held on 11/08/2010 adopted a Resolution to submit attested copy of the share certificate and V.P. body meeting dated 27/10/2010 adopted a resolution issuing a NOC for electricity and water connection in favour of Nitin Jagtap and copies of these resolution were provided to the Appellant. According to the PIO, his search could not find any resolution of the year 2010 with respect to the transfer of house tax in the name Nitin Jagtap. Besides furnishing whatever information/ records available in the Panchayat, Appellant was also given access to records available in the Panchayat office. Moreover, Appellant was not a party to any kind of transactions/ business that took place in the year 2010 with respect to the transfer of house tax in the name of Nitin Jagtap.
10. The Appellant on the other hand submitted that whatever information furnished by the PIO does not match to the information sought vide his RTI application. According to the Appellant, his core issue in the RTI application is the House tax transfer with regards to house No. 1634/LSG-248 which took place in the village panchayat meeting dated 11/08/2010 but citing the same as meeting dated 27/10/2010 is a fraud played on account of Mr. Nitin Jagtap and officials of the Village Panchayat.
11. When new PIO, Shri. Rupesh Halarnkar appeared before the Commission, he was directed to carry out a thorough search to trace the records pertaining to the information sought by the Appellant and also to allow the Appellant to have a physical inspection of the records available in the office of V.P. Penha-De-Franca. New PIO found to be very positive in approach and cooperative to the Appellant to help him by offering all assistance to the Appellant, to get him required information.
12. On the directions of the Commission, the Appellant was allowed to inspect this office records on 12/12/2024 to trace the particular records pertaining to the information sought by the Appellant, but the Appellant and the PIO could not trace the said records pertaining to Serial No. 4 in

the RTI application i.e. Resolution which passed the transfer of house tax of H. No. LSG-248.

13. Subsequent to the first inspection, the Appellant submitted (23/12/2024) that the documents which he has been sought is not traceable in the record room of village panchayat, Penha-De-Franca, the application for the house tax transfer was filed by a wrong applicant and NOC required for the transfer of house tax is not existing among the records. Appellant requested the Commission to take an appropriate decision according to the above said facts and circumstances.
14. PIO, Shri. Rupesh Halarnkar also filed a written statement dated 17/12/2024 to the effect that the Appellant inspected the respective records/ documents of his requirement as per the RTI application but the same was not available and the Appellant also confirmed it.

DECISION

15. **Above facts and circumstances and no positive outcome of the physical inspection of the records by the Appellant as well as PIO reveals that the documents/records pertaining to the information sought by the Appellant particularly with reference to Point No. 4 in the RTI application dated 15/04/2023 could not be traced in the records of Village Panchayat, Penha-De-Franca, Since there is no scope to trace the said records and the Appellant too confirmed this fact, the Commission has decided to dispose the matter as there is no merit in continuing this proceedings.**
16. **However, the Commission took serious note on the irregularities in the transfer of house tax of H. No. LSG-248, Penha-De-Franca Village Panchayat without valid application and NOC from the transferor, Shri. Girdharlal M. Gangani and the missing of some records pertaining to it, particularly Village**

Panchayat Resolution which passed or gave approval to the transfer of house tax (H. No. LSG-248) from Girdharlal M. Gangani to Shri. Nitin Jagtap.

17. Since there is sufficient ground to doubt about some mischief /irregularities committed by any officer or officers in the Village Panchayat, Competent Authority must identify them and such officer (s) should be subjected to departmental actions if their involvement is substantiated.

18. Director of Panchayats is directed to submit a report by March 03, 2025 positively after instituting an inquiry into the matter.

- **Appeal disposed.**
- **Proceeding stands closed.**
- **Pronounced in open court.**
- **Notify the parties.**

(Aravind Kumar H. Nair)
State Chief Information Commissioner