

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Appeal No. 53/2023/SCIC

Mr. Prashant M. Vast,
H. No. 187, Kalavati Niwas,
Behind Union Bank of India,
Vasco Da-Gama, Goa 403802

.....Appellant

V/s

1. Public Information Officer (PIO),
Mormugao Planning and Development Authority,
2nd Floor, Commerce Centre, Vasco-Da-Gama, Goa.

2. First Appellate Authority (FAA),
Mormugao Planning and Development Authority,
2nd Floor, Commerce Centre,
Vasco-Da-Gama, Goa

..... Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 02/02/2023

Decided on: 18/01/2024

ORDER

1. Appellant, Shri. Prashant M. Vast, resident of House No. 187, Kalavati Niwas, Behind Union Bank of India, Vasco, Goa vide his application dated 26/08/2022 sought 5 points information from the Public Information Officer (PIO), Office of the Member Secretary, Mormugao Planning and Development Authority (MPDA), Vasco, Goa.
2. The PIO of MPDA, Vasco-Da-Gama, Goa responded said application on 20/09/2022 in the following manner:

"Your application under Right to Information Act, 2005 has been considered under Section 7(1) of the Act and I am to inform you the following which is placed on record by the official of this Authority under section 5(4) and 5(5) of the Act:

1. With reference to the above subject, it is to inform you that the information sought by you at sr. no. 1,2,3 & 5 in your application is readily available with this Authority. Hence the same may be collected on payment of Rs. 100/- (Rupees Hundred Only). Further information at sr. no. 4 in your application is not available with this Authority."

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before, the Member Secretary, MPDA, Vasco-Da-Gama, Goa on 15/12/2022.
4. Since the FAA failed and neglected to hear and dispose the first appeal within stipulated time, 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.
5. Notices were issued to the parties, pursuant to which, Appellant appeared in person on 13/03/2023, the PIO Shri. Ramesh Parsekar appeared alongwith Adv. M. P. Kamat on 07/09/2023 and submitted that the information sought by the Appellant at serial No. 1, 2, 3 and 5 has been already furnished to the Appellant and with regards to information at serial No. 4, same is not available in the records of the Public authority. He also

produced on record the copy of the minutes of the 5th Annual General Body Meeting of Raghunath Apts. Co-operative Housing Society, Vasco held on 17/10/1993, wherein at item No. 7 of the Minutes of the Meeting, it was resolved unanimously, to grant permission to use existing 3 meter wide lane as an access to M/s Hira Film Exhibitors. The Commission directed the PIO to file a formal reply/affidavit to that effect.

6. In the course of hearing on 16/10/2023, Adv. M. P. Kamat appeared on behalf of the PIO and placed on record the Affidavit in reply duly signed and executed before the Notary dated 04/10/2023 by the PIO Shri. Ramesh Parsekar.
7. I have perused the content of Affidavit in reply dated 04/10/2023 filed by the PIO Shri. Ramesh Parsekar, in which it is categorically submitted on oath that the information at point No. 1,2,3 and 5 of the RTI application has been collected by the Appellant and with regards to the information at point No. 4 same is not available in the records, of the public authority. Since the information at Point No. 4 is not available in the records, the Commission cannot issue any direction to the PIO to furnish non-existing information.
8. At this juncture, the Appellant raised the query that the information provided by the PIO at point No. 5 is incomplete and that he is not satisfied with the information. The Commission, therefore, directed the PIO to clarify with regards to information at point No. 5.
9. In the course of hearing on 14/12/2023 Adv. M. P. Kamat appeared and placed on record the compliance report dated 14/12/2023 alongwith copy of reply dated 01/12/2023, copy of

the Order of the MPDA dated 14/12/1992, copy of approved plan dated 14/12/1992 and submitted that apart from these, no information is available in the records of the public authority.

10. It is the contention of the Appellant that he is not satisfied with the information. The information to be furnished is the one which exists and available. All the information cannot be to the satisfaction of the Appellant. Besides a bare statement, the Appellant has not clarified as to how the information provided is not satisfactory.

11. This is not the case that the PIO was unwilling to provide the information, record indicates that the PIO supplied all the available information to the Appellant. In any case, at any time, the content of the said affidavit are found false, the person swearing it would be liable for action for perjury.

12. In view of above facts and circumstances, the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner