

GOA STATE INFORMATION COMMISSION
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Appeal No. 115/2025/SCIC

Shri Ganesh M. Halanker,
S-27, D, Block, Aristocrat Apts,
Mangoor Hill, Vasco da Gama-Goa.
V/s -----Appellant

1.The Public Information Officer,
Mormugao Planning & Development Authority,
Vasco da Gama-Goa.
2.The Member Secretary & First Appellate Authority,
Mormugao Planning & Development Authority,
Vasco da Gama-Goa. -----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	- 26/11/2024
PIO replied on	- NIL
First Appeal filed on	- 03/02/2025
First Appellate order on	- 07/03/2025
Second appeal received on	- 14/05/2025
First hearing held on	- 02/07/2025
Decision of the Second Appeal on	- 17/07/2025

Information sought and background of the Appeal

1. Shri Ganesh M. Halanker filed an application dated 26/11/2024 under RTI Act, 2005 to the PIO, Mormugao Planning & Development Authority(MPDA) seeking following information :
 - i. *"The Appellant seeks all complaints/letters filed, if any by Brijesh Halanker against building or part thereof situated in Chalta No.52 and 53 of PT Sheet No. 91 of Vasco city.*
 - ii. *The Applicant also seek certified copy of NOC, if any, issued by Mormugao Planning & Development Authority to register sale deed in the year 2005 executed between Shri. Mahabaleshwar Halanker and Shri. Brijesh Halanker.*
 - iii. *The Appellant also seeks copy of colour coded zoning map of Goa airport."*

2. Failing to receive any reply/information from the PIO, Mormugao Planning & Development Authority within the stipulated time frame, Appellant filed first appeal dated 03/02/2025 before the First Appellate Authority stating that he has not received information from the PIO till date and prayed for direction to the PIO to provide information to the RTI application dated 26/11/2024.
3. The FAA(Member Secretary/Mormugao Planning & Development Authority) passed an order dated 07/03/2025 as under :

"I heard both the parties. I am of the opinion that the information available with this Authority was provided by the Respondent PIO was delayed. Hence directed the Respondent PIO to provide it to the Appellant free of cost within 15 days of issue of this order."
4. Subsequently, Appellant preferred Second appeal dated 14/05/2025 before the Commission stating that the Respondent PIO has intentionally made false statement that zoning map of the Goa Airport and guide lines are not available with the Authority. Appellant prayed before the Commission to issue direction to the Respondent PIO to furnish copy of colour coded zoning map of Goa Airport along with guidelines of the zoning map to the Appellant, free of cost.

Facts Emerging in Course of Hearing

5. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 02/07/2025 for which Appellant's authorised person Shri. Mahabaleshwar Halanker appeared with authority letter and Respondent PIO Shri. Marcos Fernandes appeared with Adv. Meghana P. Kamat.
6. In the written argument dated 02/07/2025, Appellant submitted that :
 - i. As the PIO failed to provide information to the RTI application dated 26/11/2024, Appellant had to file first appeal dated 03/02/2025 before the FAA.

- ii. Respondent PIO submitted before the FAA that information sought at Point No.1 is available but information in respect of Point No.2 and 3 is not available. However Appellant did not collect part information (in respect of Point No.1).

Document filed by the Respondent PIO reveals that PIO vide letter dated 28/01/2025 intimated the Appellant by Registered post at the address given in the RTI application to collect the information in respect of Point No.1 in the RTI application by paying Rs.04/- only but the same returned undelivered with the postal remark 'unclaimed'.

- iii. Appellant hereby produced a copy of the letter dated 15/10/2019 addressed to the Member Secretary, Mormugao Planning & Development Authority and Ors. by the Captain (Air) for Commanding Officer, INS Hansa, Dabolim, Goa forwarding soft copy of colour coded zoning map of Goa airport along with guidelines as a proof that the sought information (colour coded zoning map and guidelines) is very much available with the Authority (Mormugao Planning & Development Authority). Appellant submitted that Respondent PIO be directed to provide certified copies of colour coded zoning map along with guidelines to the Appellant expeditiously.

7. Respondent PIO in written response dated 01/07/2025 to the appeal memo submitted that :

- i. Respondent No.1 (PIO) had replied to the RTI application stating that information sought at Serial No. 1 is available and the same may be collected on payment of Rs.4 and information sought at Serial No.2 and 3 is not available.
- ii. Information sought at Serial No.1 was kept ready and can be handed over to the Appellant.
- iii. Information sought at Serial No.3 is available on the public domain and has not originated from within the Public Authority (MPDA) of the Respondents. Hence no certified copy can be issued to the Appellant.

8. During the course of hearing, Commission has come to the conclusion that the information sought at Serial No.3 (colour coded zoning map of Goa Airport and guidelines) is available with the public authority in the present appeal (Mormugao Planning & Development Authority) as the

same received from another public authority and Appellant is looking for information to Serial No.3 only. However, since the said information (Map and guidelines) is originated from a different public authority, (INS Hansa, Dabolim, Goa), Respondent PIO of Mormugao Planning & Development Authority cannot provide certified copy of the above said documents. Commission directed the Respondent PIO to furnish copy of the information sought by the Appellant at Serial No.3 of the RTI application.

9. Matter was taken up for further hearing today i.e. 17/07/2025 for which, Appellant's authorised person Mahabaleshwar Halanker and Respondent PIO Marcos Fernandes along with Adv. Meghana P. Kamat appeared.

Advocate for Respondent PIO submitted that the Respondent is unable to provide certified copy of the documents sought by the Appellant on the ground that the said documents are originated from a different public authority. Advocate added that since the Appellant is insisting for a colour copy of the map, the cost for taking colour copy of the map should be borne by the Appellant himself.

10. Appellant's authorised person submitted that the Appellant has sought only copy of the map and not certified copy. Moreover, since the Appellant desires to have colour copy of the map, he is willing to pay the actual cost of taking colour copy of the map.

DECISION

Considering the above said facts and circumstances and arguments as well as submissions made by the parties to the present appeal, Commission decided to dispose off the present appeal today i.e. 17/07/2025 with the following directions to the Respondent PIO and Appellant :

To the Respondent PIO

- i. Furnish colour copy of the colour coded zoning map (CCZM) of Goa Airport issued by an another public authority but in**

possession of the copy of the same with the public authority (Mormugao Planning & Development Authority) in the present appeal.

- ii. The cost for taking colour copy of the copy of colour coded zoning map shall be paid by the Appellant as assured before the Presiding Commissioner.
- iii. Copy of 03 page guidelines, issued by another public authority, shall be provided to the Appellant, free of cost, by the Respondent PIO.
- iv. Copies of both the documents viz. colour coded zoning map and guidelines shall be provided to the Appellant by the Respondent PIO on 30/07/2025.

To the Appellant

- i. Appellant is hereby directed to collect the abovesaid information (copies of colour coded zoning map and 03 page guidelines) from the Respondent PIO/Office of the PIO either in person or through authorised person with proper authority letter on or after 30/07/2025.
- ii. Appellant is further directed to collect the information which has been kept ready by the Respondent PIO for Appellant, complying with the order passed by the First Appellate Authority on 07/02/2025.

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

