

GOA STATE INFORMATION COMMISSION

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Appeal No. 57/2025/SCIC

Shri. Rocque Noel Fernandes,
H.No.405/7, Vaiguin Waddo,
Nachinola, Bardez-Goa 403508.
V/s

----Appellant

1.First Appellate Authority (FAA),
Block Development Officer-I,
Mapusa, Bardez-Goa.

2.The Public Information Officer(PIO),
Village Panchayat of Bastora,
Bardez-Goa.

----Respondents

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

Relevant Facts Emerging from the Appeal.

RTI application filed on	- 11-11-2024
PIO replied on	- 07-12-2024
First Appeal filed on	- 23-12-2024
First Appellate order on	- 28-01-2025
Second appeal received on	- 14-02-2025
First hearing held on	- 29-04-2025
Decision of the Second Appeal on	- 20-05-2025

Information sought and background of the Appeal

- Shri. Rocque Noel Fernandes filed an application dated 11/11/2024 under RTI Act, 2005 to the PIO, Village Panchayat, Bastora seeking following information :
 - Construction Licence issued for the landed property known as GORBATA OR BHATLEM Revenue/Matriz Nos.13 and 184 surveyed under 76, Sub-Division No.8, Ward Teliavaddo, Village Bastora within the Jurisdiction of Village Panchayat, Bastora by Village Panchayat Bastora to M/s. Aakash Construction to Oswald Anthony Monteiro.*
 - Occupancy Certificate pertaining to the above (Sl. No. 1)*
- In response to the RTI application, PIO Village Panchayat, Bastora vide letter dated 07/12/2024 replied to the RTI applicant as under:

"Point No.1- Reconstruction licence is issued to Oswald Anthony Monteiro as per Village Panchayat Register but file is not traceable at Village Panchayat record.

Point No.2 - No information is available at Village Panchayat record."

3. Aggrieved by the reply furnished by the Respondent PIO, Appellant filed first appeal dated 23/12/2024 before the First Appellate Authority (B.D.O Bardez) stating that Respondent PIO has not provided information to the RTI application and requested the FAA to direct the Respondent PIO to furnish information sought vide RTI application dated 11/11/2024.
4. With reference to the first appeal, Respondent PIO placed a written submission dated 21/01/2025 before the FAA stating that *"as per the records of Village Panchayat Bastora, no construction licence is issued in the name of M/s. Aakash Construction and to Oswald Anthony Monteiro in property bearing Survey No.76/8 in ward Telia Waddo, Village Bastora. 'Occupancy certificate' pertaining to above Serial No. is not available in Village Panchayat Records".*
5. FAA (BDO, Bardez) vide order dated 28/01/2025 directed the Respondent PIO to provide information to the Appellant as per his RTI application dated 11/11/2024 and also provide physical inspection of records as available in the Village Panchayat records within a period of 10 days from the date of passing this order.
6. Subsequently, Appellant approached the Commission with Second appeal dated 14/02/2025 stating that inspite of FAA's order, Respondent PIO has not furnished information. Appellant further stated that FAA order dated 28/01/2025 directing the PIO to allow Appellant to inspect the records is against the norms of RTI Act which specifies to issue information and not to hold inspection.

Facts Emerging in Course of Hearing

7. Pursuant to the Second appeal dated 04/02/2025 filed by the Appellant, parties were notified fixing the matter for hearing on 29/04/2025 for which Appellant and Respondent No.2/PIO appeared in person. During the proceedings, Respondent No.2 submitted that the information sought by the Appellant is not available in the records as it is almost 27 years old. However, as directed by the SCIC, Respondent PIO has agreed to have a thorough search again to trace the file/document sought by the Appellant. Commission directed the PIO to allow the Appellant to inspect the records of the Village Panchayat Bastora in an effort to trace the file/record looking for by the Appellant and accordingly fixed the inspection on 04/05/2025, adjourning the matter to 20/05/2025.

8. When the matter called out for further hearing today i.e. 20/05/2025 Appellant filed two written submissions dated 19/05/2025 and 20/05/2025. In written submission dated 19/05/2025, Appellant stated that *"he has inspected the records at the office of the Respondent No.2 (PIO/V.P. Bastora) and while verifying 'Register of Construction Licence' issued at Page No.51, entry has been made for 'Renewal of Licence' to Oswald Monteiro on an application received and duly approved by the Panchayat on 09/05/1997 without mention of resolution number or other details like location, Survey Number, Town Planning Plan etc. Thus, it was not possible to seek information on 'Construction Licence' or 'Occupancy Certificate' as required by RTI application dated 11/11/2024.*

Thereafter managed to approach a flat owner and procured a copy of the Construction Licence and another document wherein it is endorsed by the Panchayat of Bastora as 'Renewal' of the said construction for another year"

9. In another written submission dated 20/05/2025, Appellant submitted that upon inspection of the records, as directed by the Hon'ble Commission, it is realised that it is not possible for the PIO, Village Panchayat Bastora to provide the sought information due to the manner in which files are haphazardly recorded and maintained. Appellant further submitted that he has obtained photo copies of the 'Construction Licence' and 'Occupancy Certificate' from other flat owners and prayed for direction the Respondent

PIO to certify the said copies received and to recreate a new file for further future requirement”.

Appellant finally prayed that having obtained the required information by himself, the present matter be closed.

10. Following the request placed by the Appellant before the PIO to recreate the file (with regards to his matter) based on the photocopies of the 'Construction Licence' and 'Occupancy Certificate' procured by the Appellant through some other channel, Respondent PIO (Secretary, V.P. Bastora) assured to reconstruct the file pertaining to the information sought by the Appellant.

DECISION

As the Appellant managed the desired information (documents of 'Construction Licence' and 'Occupancy Certificate') from some other channel as the same was not found in the records of Village Panchayat, Bastora and the Respondent PIO assured to reconstruct the file based on the photo copies of the above said documents, no further action lies in the present appeal and the Commission disposed off the Appeal No.57/2025/SCIC with the direction to the Respondent PIO to reconstruct the file based on the documents, sought by the Appellant vide RTI application dated 11/11/2024, procured by the Appellant himself from some other channel.

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

