

GOA STATE INFORMATION COMMISSION
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Appeal No. 23/2024/SCIC

Hemant Waman Vaze,
"Shantadurga" A/3 Rukmini Nagar Part 1,
Karad District Satara,
Maharashtra 415109.

.....Appellant

V/S

1. The First Appellate Authority,
Block Development Officer
Office of the BDO, Valpoi,
Sattari-Goa 403506.

2. Public Information Officer and Secretary,
Nagargav Gram Panchayat,
Valpoi, Sattari-Goa 403506.

.....Respondents

Shri. Aravind Kumar H. Nair State Chief Information Commissioner

RELEVANT FACTS

RTI application filed on	- 31/07/2023
Respondent PIO reply	- 27/09/2023
First Appeal filed on	- 04/11/2023
First Appellate order on	- 15/12/2023
Second appeal received on	- 16/01/2024
Decision of the Second Appeal on	- 12/02/2025

Information sought and background of the Appeal.

1. Shri. Hemant Waman Vaze filed an RTI application dated 31/07/2023 to the PIO/ Secretary, Village Panchayat, Nagargao, Sattari-Goa seeking details of construction license issued by the Panchayat for the period of 1st January 2008 to 31st December 2015 and 4 other related information.
2. In response to the RTI application, PIO Village Panchayat Nagargao vide letter dated 27/09/2023 replied as under:-
 - i. With reference to Point No. 1, as per Construction License Register maintained by the Village Panchayat, Nagargao, there are total 10 Construction License issued during the*

period of 1st Jan 2008 to 31st December 2015. Certified copy of the Construction License Register is enclosed.

- ii. With reference to Point No. 2, as per office records, Village Panchayat Nagargao has not maintained the records pertaining to house constructed without permission during the period mentioned in RTI application.*
- iii. With reference to Point No. 3, Panchayat has no separate house tax register pertaining to the house constructed without Panchayat permission.*
- iv. With reference to Point No. 4, as per office record i.e. annual audit report, there is no illegal construction detected during the period January 01, 2008 to December 31, 2015.*
- v. With reference to Point No. 5, refer the reply of Point No. 2.*

3. Aggrieved by the reply of the PIO, Appellant preferred first appeal dated 04/11/2023 praying to impose penalty upon the Respondent PIO for not giving proper information within time. The FAA vide Order dated 15/12/2023 disposed off the first appeal stating that the Respondent PIO has furnished the required information to the Appellant.

4. Dissatisfied with the Order passed by the FAA (BDO, Sattari), Appellant preferred second appeal dated 16/01/2024 before the Commission stating that the Respondent PIO has furnished information to only Point No. 1 of his 5-Point RTI application and that too incorrect, incomplete and misleading information. With regards to his first appeal, Appellant submitted that the appeal was heard by the FAA on 23/11/2023 but he has not received any order till date.

5. Appellant in his second appeal prayed before the Commission to direct the Respondents to promptly provide complete and accurate information free of cost, action against the FAA for unnecessarily delaying the proceedings in first appeal as well as not communicating the order passed by the FAA and issue an order

directing the Respondent to pay compensation for the inconvenience caused to the Appellant.

6. Pursuant to the filing of second appeal by the Appellant, parties were notified fixing the matter for hearing on 19/02/2024 for which Appellant was absent and the Respondent PIO, Shri. Vinayak Gaonkar and the representative of the FAA appeared.
7. Since the SCIC demitted the office on 01/03/2024 and no new SCIC was appointed till September 2024, the matter was not taken up for hearing during this period.

Facts emerging in the course of hearing.

8. Incumbent SCIC called out the matter for hearing on 07/10/2024 and 11/11/2024 but on both the occasions, Appellant as well as Respondents remained absent.
9. On 09/12/2024, Appellant, Shri. Hemant Waman Vaze was present but for Respondent PIO, LDC, Shri. Kalidas Harmalkar appeared without authority letter. Copy of the submission dated 26/03/2024 of the FAA and the reply dated 26/03/2024 of Respondent PIO to the appeal furnished to the Appellant. Based on the notice, Respondent PIO appeared in person but the Appellant was absent. SCIC issued directions to the PIO to file written submission on or before next date of hearing slated for 20/01/2025.
10. During the hearing today i.e. 12/02/2023, both Appellant and Respondent present. Appellant submitted that out of his five queries in the RTI application one query (Point No. 1) was replied by the Respondent PIO. Moreover, the given reply is totally incorrect and misleading also because the reply states that only 10 construction license have been issued by the Nagargao Village Panchayat during the period January 1, 2008 to December 31, 2015. Appellant submitted that as per the certified information received from the Goa State Electricity Board, more than 140 new

connections are given in Nagargao Village Panchayat jurisdiction and Nagargao Village Panchayat had issued more than 100 NOC to Goa State Electricity department as legal construction.

11. Respondent PIO however submitted that the Nagargao Panchayat has no specific record or register about the construction carried out without Panchayat permission during the period 2008-2015 cited by the Appellant in his RTI application or for other period also. As per Panchayat record, only 10 construction license have been issued by the Panchayat during the period 2008-2015 and the details of that license have already been provided to the Appellant, as reply to Point No. 1 in his RTI. Information is not provided to the remaining 4 points because it was totally related to the reply to Point No. 1.
12. Commission also has the opinion that it is quite impossible to accept that only 10 constructions have been carried out on the entire Nagargao Village Panchayat during the period 2008-2015. It is quite surprising that the Panchayat does not have any data on illegal/ unauthorised construction or any system in place to monitor the illegal construction taking place in its jurisdiction. Panchayat should take into account that it will lose revenue if illegal construction is not prevented.

ORDER

Considering Respondent PIO's submission that Nagargao Village Panchayat has not been maintaining any separate or specific register on the details of illegal/unauthorised construction, the Commission today i.e. 12/02/2025 disposed off the Appeal No. 23/2024/ SCIC with the following directions:-

1) To the Respondent PIO, Nagargao Village Panchayat:

- i. Provide copies of House Tax Register (Form 7) and Demand and Collection Register (Form 8) of**

Nagargao Village Panchayat for the period 2020-2024 to the Appellant, free of cost, on or before MARCH 5, 2025.

- ii. **Check the Village Panchayat office records thoroughly to find out any circulars/ memorandum/ orders/ guidelines/ letters/ notifications issued by the Government of Goa, Directorate of Panchayat, Court and State Administration pertaining to the action to be initiated on illegal construction and provide copy of the same, if available to the Appellant.**

2) Directions to the Appellant: - Appellant should personally collect the above said information from the office of the Respondent PIO.

3) To Director of Panchayats: - Since the Respondent PIO submitted that there is no mechanism in force to check or identify the illegal construction, it is the high time for the Director of Panchayats, Government of Goa to evolve a mechanism at Panchayat level to monitor illegal construction activities because such illegal construction will deny revenue to the Panchayat in the form of fee for issuing construction license, occupancy certificate, house tax etc.

- **With above direction, proceedings in the Appeal stands closed.**
- **Pronounced in open court.**
- **Notify the parties.**

Sd/-

(Aravind Kumar H. Nair)

State Chief Information Commissioner