

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No.90/SIC/2009

Shri Simon Carvalho,
H. No. 399/1, Convent Square,
Sancoale – Goa

... Complainant.

V/s.

The Public Information Officer,
Deputy Director of Panchayats,
North Zone, Junta House, 3rd Floor,
Panaji – Goa

... Opponent.

Adv. Smt. S. G. Naik for the Complainant.

Smt. A. Shirodkar, authorised representative of the Opponent.

Dated: 03.03.2010

ORDER

The Complainant on 20.08.2009 sought the following information under the RTI Act :

1. Panchayat Appeal No. MAR-I/50/2009 before the Additional Director of Panchayats – I, Margao, Goa by M-Tech Developers Limited.
2. Reply filed by the Village Panchayat of Sancoale to Panchayat Appeal No. MAR-I/50/2009 before the Additional Director of Panchayats – I, Margao, Goa.
3. Order and Judgment passed by the Additional Director of Panchayats-I in Panchayat Appeal No. MAR-I/50/2009.

As the information sought at Sr. No. 1 and 2 pertains to third party, the Opponent by letter dated 02.09.2009 addressed to M-Tech Developers Limited and Village Panchayat, Sancoale required them to intimate whether the information sought can be provided to the Complainant. By communication dated 07.10.2009 the Opponent informed the Complainant that the information at Sr. No. 1 and 2 could not be provided as no consent has been received from the concerned parties and

...2/-

provided the information at Sr. No. 3. The Complainant on 10.11.2009 directly filed a complaint for penalties against the Complainant; disciplinary departmental proceedings to be recommended against the Opponent; compensation to the Complainant and directions to the Opponent to furnish the information sought.

2. In his reply the Opponent submitted that the Complainant ought to have filed the First Appeal and not a Complaint before the Commission. In fact, the information sought at Sr. No. 1 and 2 to the request dated 20.08.2009, the Opponent considered as third party information u/s. 11 of the RTI Act. Once the Public Information Officer treated the request at Sr. No. 1 and 2 as third party information, the proper course for the Complainant was to prefer the First Appeal before the First Appellate Authority in order to adjudicate this issue of third party information and not prefer directly a complaint requiring the Opponent to be penalized and recommend disciplinary proceedings against him.

3. As the Opponent provided the information at Sr. No. 3 and denied the information at Sr. No. 1 and 2 as third party information, the Complainant is directed to file a First Appeal before the First Appellate Authority and thereafter as the circumstances require, approach the Commission.

With these observations, the Complaint is disposed off.

Sd/-
(Afonso Araujo)
State Information Commissioner

