

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 68/SIC/2010

Maximo J. R. de Souza,
H. No. 120, Velsao,
P.O. Cansaulim
Goa

... Appellant.

V/s.

Public Information Officer,
Block Development Officer,
Mormugao taluka,
Vasco-da-Gama

... Respondent.

Appellant in person.
Respondent in person.

Dated: 27.07.2010

ORDER

The Appellant by request dated 09.11.2009 sought the following information from the Respondent under RTI Act:

- 1) Has any departmental enquiry been initiated against the Village Panchayat Secretary who fraudulently issued NOC for the electric connection without the Panchayat body resolution? If no, is there any justification for delay in initiating an enquiry.
- 2) Is there any reason why the NOC issued to Vinayak Naik based on invalid, misleading documents not been revoked, despite non-compliance of opportunities provided to Vinayak Naik to regularize the same with necessary documents.

2. The Respondent by communication dated 23.11.2009 in reply to the application dated 09.11.2009 provided the following information:

- 1) With regard to point No. 1 – No enquiry has been made till date, further para 2 of point No. 1 does not come under purview of the RTI Act, 2005.
- 2) With regard to point No. 2 – does not come under the purview of RTI Act, 2005.

Aggrieved by this decision the Appellant preferred First Appeal and the First Appellate Authority by Order dated 27.01.2010 directed the Respondent to furnish proper reply to the Appellant within ten days as the reply given by the Respondent is without justification/reasons for his reply.

...2/-

The Opponent in compliance to the Order of the First Appellate Authority, on 02.02.2010 provided the information at Sr. No. 1 and 2 to the request dated 09.11.2009. Not content with this reply the Appellant preferred this Appeal.

3. It appears that the Appellant on 14.06.2009 brought to the notice of the Respondent irregularities in which the Village Panchayat Secretary of the Village Panchayat of Velsao- Pale and Issorcim had issued NOC for electric connection to Vinayak Naik. To the question at Sr. No. 1 in the request dated 09.11.2009 the Respondent in reply dated 23.11.2009 initially stated that no enquiry has been made but subsequently in compliance with the Orders of the First Appellate Authority has stated that an enquiry has been conducted and detailed report has been submitted to the Dy. Director of Panchayat, South, Margao and action is awaited from the higher authorities. Through this reply dated 02.02.2010 the Respondent has provided the information to the Appellant of the information sought at Sr. No. 1 to the request dated 09.11.2009.

4. According to the Appellant the Village Panchayat has given many opportunities to the said Vinayak Naik to regularize the electric connection with necessary documents and as the said Vinayak Naik did not comply with these directions for regularization, the Appellant to the question at Sr. No. 2 requires the reasons why the NOC issued to Vinayak Naik based on invalid, misleading documents have not been revoked. The information sought by any information seeker should be from the records of the Public Authority and the Public Information Officers are bound to provide this information available on records. The information seeker cannot ask any explanation or comments from the Public Information Officer. The Appellant requires the reasons why the NOC has not been revoked. This form of seeking information is not information within the meaning of information under section 2(f) of the RTI Act. The Appellant should have asked whether any action has been taken by the Village Panchayat on non-production or not proper documents produced by Vinayak Naik for regularization of his electric connection.

5. The Respondent provided the information on 02.02.2010 to the information sought at Sr. No. 1 in the request dated 09.11.2009 to the

Appellant and in respect to information at Sr. No. 2, the reply of the Respondent on 23.11.2009 rightly stated that the information at point No. 1 does not come under the purview of RTI Act, 2005. In such circumstances, the Appellant to approach the Respondent with the proper question and ask whether any action was taken by the Respondent on the documents produced by Vinayak Naik for regularization of the electric connection.

With these observations, the Appeal is disposed off.

Sd/-
(Afonso Araujo)
State Information Commissioner