

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 474/SCIC/2010

Dr. S. P. Deshpande,
Environmental Planning & Design Consultants,
Bldg. No.5, Siddharth Apartments,
Tonca, Caranzalem –Goa.

..... Complainant.

V/s.

1) Public Information Officer & Member Secretary,
Shri Ashok Kumar,
Member Secretary/PIO,
North Goa Planning & Development Authority,
Archdiocese Bldg, 1st flr.,
Mala Link Road,
Panaji –Goa.

..... Opponent No. 1.

2) First Appellate Authority,
Shri Aleixo Reginaldo Lourenco,
Chairman & Appellate Authority,
North Goa Planning & Development Authority,
Archdiocese Bldg, 1st flr.,
Mala Link Road,
Panaji –Goa.

..... Opponent No.2.

Complainant in person.

Opponent No. 1 and 2 absent.

Adv. H. D. Naik & P. Dangui present on behalf of Opponent No. 1.

ORDER
(01/12/2010)

1. The Complainant, Dr. S. P. Deshpande, has filed the present Complainant praying that Public Information Officer be directed to supply information to the Complainant regarding the action taken as sought in the application and to impose penalties on Public Information Officer as well as Appellate Authority and for compensation.

2. It is the case of the Complainant that he wrote a letter to the Mayor, City Corporation of Panaji on 26th October 2009 to bring to her notice the encroachment carried out by the owner of plot No.s 5 & 6 of Cota Sub-division at Miramar on the Public Open Space land in front of his plot to the extent of 1232 Sq.mts, valued at about Rs. 7-10 Crores. That there was no response and as such the letter was formally sent to the member Secretary, N.G.P.D.A on 20/11/2010

...2/-

i.e. it appears correspondence flowed between the parties and on 08/04/2010 the Complainant wrote to the Member Secretary/Public Information Officer of NGPDA to furnish certain information under Right to Information Act 2005('RTI' Act for short). That no information was furnished and the request of the Complainant remained unanswered. That being not satisfied the Complainant wrote to chairman, Opponent No. 2 to direct the Public Information Officer to provide the information i.e. to say that the Complainant filed appeal before First Appellate Authority. That hearing took place and the First Appellate Authority directed the Member Secretary to furnish the information sought by the Complainant. It is the case of the Complainant that since no information was furnished he preferred the present complaint.

3. In pursuance of the notice, Opponent No. 1 appeared alongwith his Adv. H. D. Naik. No reply was filed as such. However Adv. for the Opponent advanced the argument.

4. Heard the Complainant as well as Adv. for the Opponent No. 1.

During the course of the arguments Complainant submitted that he has received full information. However the same was given after considerable delay.

5. Now it is to be seen whether there is delay in furnishing information. At the out set I must say that Right to Information Act, in General is the time bound programme between the Administration and the citizen requesting information and every step is to be completed within the time i.e. presentation of request and disposal of the same and presentation of appeal and disposal by First Appellate Authority.

According to Appellant there is delay. Adv. for Opponent states that there is no delay as such. It is seen that request is dated 08/04/2010. However, no reply has been furnished within the stipulated period of 30 days. In any case Public Information Officer should be given an opportunity to explain the same in the factual matrix of this case.

...3/-

6. Coming to the prayers since information is furnished prayer (a) does not survive. Regarding prayed 'b' a show cause notice is to be issued to the Public Information Officer. Regarding prayer 'c' it is true that there is slight delay in disposing the appeal by First Appellate Authority. Normally first appeal has to be disposed in 30 days or 45 days with reasons. However, First Appellate Authority is not covered by the penal provisions of Right to Information Act. In any case the FAA to take note that the appeal is to be disposed within time.

In view of all the above, since information is furnished no further intervention of this Commission is required. Since there is delay, Opponent No.1 is to be heard on the same. Hence I pass the following order.

O R D E R

The Complaint is partly allowed. No intervention of this Commission is required as information is furnished. Prayer (b) is granted.

Issue notice under section 20(1) of the Right to Information Act to Opponent No. 1 to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach this Commission on or before 04/01/2011. The PIO/Opponent No. 1 shall appear for hearing.

Further inquiry posted on 04/01/2011 at 10.30 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 01st December, 2010.

Sd/-
(M. S. Keny)
Chief Information Commissioner

