

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 163/SCIC/2010

Shri Jose Olimpia Martins (Joe),  
Nr. Football Ground,  
Caranzalem-Goa .... Appellant

V/s.

1) Public Information Officer,  
North Goa Planning & Development Authority,  
1<sup>st</sup> Floor, Archdiocese Bldg.,  
Mala Link Road, Mala,  
Panaji - Goa .... Respondent No. 1.

2) Member Secretary,  
North Goa Planning & Development Authority,  
Archdiocese Bldg., 1<sup>st</sup> Floor,  
Mala Link Road, Mala,  
Panaji - Goa .... Respondent No. 2.

Appellant in person.  
Adv. H. D. Naik for Respondent No. 1.

**J U D G M E N T**  
**(27.06.2011)**

1. The Appellant, Shri Jose Olimpia Martins (Joe), has filed the present Appeal praying to direct Respondent No. 1/Public Information Officer to furnish the relevant information to the Appellant as sought by his application dated 12.03.2010.

2. The brief facts leading to the present Appeal are as under:-  
That the Appellant, vide his application dated 12.03.2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent No. 1. That the said information sought by the Appellant was denied

to the Appellant on the ground that it involves a hypothetical question and would involve records and investigation, which is beyond the scope of the R.T.I. Act. That by no stretch of imagination that it can be said that the information sought by the Appellant is based on hypothesis or supposition. That being a technical body which has approved the aforesaid plans, the North Goa Planning and Development Authority is required to give explanation based on the evidence contained in the plans and there is no need for investigation as alleged by them. That the said information should be available with the P.I.O. as it is in the terms for approval of the plans. That the Respondent No. 2 dismissed the appeal filed by the Appellant. Being aggrieved by the order of the First Appellate Authority/Respondent No. 2 has filed the present Appeal on grounds as mentioned in the Memo of Appeal.

3. Notice was issued to the Respondents. Adv. Shri H. D. Naik for Respondent No. 1 appeared. Respondents did not file any reply as such. However, both sides had advanced arguments. However at one stage, i.e. from 23.03.2011 till today Appellant remained absent.

4. I have carefully gone through the records of the case.

It is seen that by application dated 12.03.2010 the Appellant sought certain information. The information was regarding some approved plans and other was about how the construction had come up. By reply dated 13.04.2010 the request was rejected on the

ground that the information sought amount to hypothetical questions and beyond the scope of R.T.I. Act. Being aggrieved the Appellant preferred the Appeal before the First Appellate Authority/Respondent No. 2. However, the Appeal was dismissed.

During the course of hearing this Commission suggested that information in respect of proposed 10 meter road could be given. During hearing on 01.12.2010 Adv. for Respondent No. 1 submitted that he is furnishing copy of information to the Appellant who was present. Matter was posted for the next date. However, at a later stage the Appellant did not remain present. Information was furnished in respect of first query i.e. proposed 10 meter road.

It appears that information is furnished.

Since information is furnished no intervention of this Commission is required.

5. Now it is to be seen whether there is delay in furnishing information. The application is dated 12.03.2010. Reply is furnished on 13.04.2010. Good or bad, the reply is furnished. Of course there is about 1-2 days delay. However, the same is to be condoned. However, the P.I.O. should note that R.T.I. is a time bound programme and information is to be furnished within the stipulated time.

6. In view of the above, since information is furnished no intervention of this Commission is required. Hence, I pass the following Order:-

**ORDER**

No intervention of this Commission is required as information is furnished. The Appeal is disposed off.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 27<sup>th</sup> day of June, 2011.

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





