

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Comp. No. 02/SCIC/2011

Shri Gajanan D. Phadte,
898, Nila Niwas , Alto Torda,
Alto Porvorim 403 521

----Complainant.

V/s

1) Public Information Officer,
Member Secretary,
North Goa Planning
and Development Authority,
Archdiocese Bldg. Mala, Panaji-Goa

.....Respondent No.1

2) Public Information Officer,
Town & Country Planning Department ,
Mapusa-Goa.

.....Respondent No.2

Complainant in person
Opponent absent

ORDER
(13-07-2011)

1. The Complainant, Shri Gajanan D. Phadte, has filed the present Complaint praying that Respondent No.1 be directed to provide information sought, and that penalty be imposed for not providing information.

2. It is the case of the Complainant that vide application dated 26/11/2010, he sought certain information under Right to Information Act, 2005 (R.T.I. Act for short) from the P.I.O./Opponent No.1. That the Opponent No.1 transferred his request to P.I.O./Opponent No.2. That Respondent No.2 informed that the file bearing No.PDA/B/3919 is not available in his office records and as such information cannot be furnished.

It is the case of the Complainant that the negligent acts of both

P.I.O.'s/Respondent denied the information. That it is imperative for Complainant to produce it before Court of law. Hence the present complainant.

3. It is the case of the Respondent No.2 that the P.I.O., North Goa Planning Development Authority has forwarded only R.T.I. applications, vide letter dated 30/11/2010, however, the file was not transferred, which was in their custody and hence he informed the Complainant, vide letter dated 29/12/2010, that the file was not available in their office as such information sought cannot be furnished. It is further the care of the Respondent No.2 that Respondent No.1 has forwarded the concerned file vide letter dated 28/01/2011 and that information is provided to the complainant.

4. Heard the Complainant and perused the records. It is seen that the Complainant, vide his application dated 26/11/2010 sought certain information. The information consisted of documents and inspection of records. The request was transferred by Respondent no.1 to Respondent No,2 under section 6(3) of R.T.I. Act. Initially information was not available.

It appears that information has been furnished, however it appears that inspection has not been given. To my mind since file is available inspection can very well be given.

5. Before parting I must say that the present complaint is not maintainable. The Complainant ought to have filed the appeal

before the First Appellate Authority. The Complainant this time is entertained considering the spirit behind the R.T.I. Act and that it is a people friendly Act. However, in future, the Complainant should approach the Commission after exhausting the remedy of First Appeal.

6. In view of all the above, I pass the following orders:-

ORDER

The Complainant is partly allowed. The Respondent No.2 is hereby directed to give inspection of the relevant record to the Complainant within 15 days from the date of receipt of the order and on a mutually agreed dated preferably on 28/07/2011 at 11.00 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 13th day of July 2011.

(M.S. Keny)
State Chief Information Commissioner

