

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.526/SIC/2010

Mr. C. S. Barreto,
R/o.H. No.206, Mazalvaddo,
Assagao, Bardez-Goa

... Complainant

V/s

Public Information Officer,
Deputy Director of Panchayat North,
Directorate of Panchayats,
Junta House, 3rd Floor, 3rd Lift,
Panaji-Goa

... Opponent

Complainant in person.
Opponent absent.

ORDER
(12/12/2011)

1. The Complainant, Shri C. S. Baretto, has filed the present complaint praying that the Public Information Officer and Dy. Director of Panchayat, North, Panaji-Goa be directed to furnish to the complainant the information sought by him vide his application dated 27/03/2010.

2. The brief facts leading to the present complaint are as under:

That on 12/03/2010, the complainant filed his complaint with the Director of Panchayat, Panaji, Goa, wherein the complainant requested the said Director to take action against all the culprits as there has been gross violation of Sec.2(V) (i) (B) of FEMA Rules by allowing Mr. Richard Mark B. Bell the construction license to build his illegal construction at Sounta Waddo, Assagao, Bardez, Goa. That said Richard Mark B. Bell is a foreign national of non Indian origin and has to strictly adhere to FEMA Rules before buying, constructing of any property in India. That as the complainant did not receive any reply from the Director of Panchayat, the complainant vide his application dated 27/03/2010 sought certain information under Right to Information Act ('RTI' act for short) from the Public Information Officer (P.I.O.)/opponent. That by reply dated 12/04/2010, the P.I.O. informed the complainant that contents of the complaint are noted for future course of action and the

same is filed. That the complainant again wrote to the P.I.O. to know about the reply sent. Since over 30 days have lapsed, complainant filed the present complaint praying the above mentioned relief.

3. In pursuance of the notice, the opponent initially appeared before the Commission. However, later on the opponent did not remain present. Fresh notice was issued to the opponent to remain present. But he chose to remain absent. In any case I am proceeding on the basis of the record.

4. Heard the complainant and perused the record. It is seen from the record that on 12/03/2010, the complainant wrote a letter/complaint to the Director of Panchayat, Government of Goa, Panaji about the issuance of construction license to foreign national of non Indian origin. Vide letter dated 27/3/2010, the complainant sought certain information under R.T.I. Act i.e. about action taken on his letter dated 12/03/2010. By reply dated 12/4/2010, the opponent informed the complainant that the contents of the said complaint addressed to Director of Panchayat, Panaji, Goa are noted for future course of action and the same is filed. Being not satisfied, the complainant has preferred the present complaint.

5. It is seen that information sought is about action taken on the complaint. Therefore P.I.O. should clearly state about the same. However, in the reply he has not stated what action has been taken or if no action has been taken. In any case, to my mind P.I.O. should have informed about the action taken. Under R.T.I., P.I.O. is supposed to furnish the information as held by the Public Authority. In case information is not available, the P.I.O. should state clearly. In any case P.I.O. to furnish the information properly to the application of the complainant.

6. It is to be noted here that the complainant has not chosen to go before F.A.A. It has been held that complainant should not skip the First Appellate Forum.

The complainant to take note of the same in future.

7. In view of above, I pass the following order:-

ORDER

The complaint is allowed and opponent is hereby directed to furnish the information to the complainant vide his application dated 27/03/2010 within 20 days from the date of receipt of this order and report compliance.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 12th day of December, 2011.

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