

GOA STATE INFORMATION COMMISISON

“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No. 70/SCIC/2012

Decided on 31/01/2014

Dr. Kalpana V. Kamat
Caldeira Arcade, 1st floor,
Bhute Bhat, Mestawado,
Vasco – Goa.

----- Appellant

V/s

1) Public Information Officer,
Executive Engineer,
W.D II, Water Resources Department,
Margao – Goa.

2) First Appellate Authority,
O/o Superintending Engineer,
Central Planning Organisation,
Junta House, 1st Floor, Panaji – Goa.

----- Respondents

ORDER (Open Court)

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| RTI application dated | : | 02/02/2012 |
| PIO reply dated | : | 29/02/2012 |
| First Appeal dated | : | 05/03/2012 |
| FAA Order dated | : | 27/03/2012 |
| Appeal filed on | : | 04/04/2012 |

The Original RTI application is filed before the PIO and Executive Engineer W.D II, Water Resources Department (WRD) asking information about the NOC issued in respect of a bore well in the village of Vasco da Gama in Chalta No. 77 of PT Sheet 153. It asks 13 questions. The PIO replied within 30 days asking to pay Rs. 272/- as charges for the information and further informing that information can be given within 7 days of paying the charges. Aggrieved, the appellant approached the appellate authority on 05/03/2012 on the ground that no reply was received within 30 days.

The FAA has taken note of the fact that for the RTI application dated 02/02/2012 the reply was sent on 29/02/2012 but was actually received on 02/03/2012. He has therefore not agreed with the plea that there was a delay in reply by the PIO. However he agreed with the oral plea that the appellant should be allowed for inspection before payment and accordingly passed necessary directions to allow inspection within 7 days.

The Second Appeal was made on 04/04/2012 with a prayer to get information free of charge and other prayers. The PIO and Respondent No. 1 filed his reply on 28/06/2012. On the same date a brief point wise reply was also given on the original RTI application to the Appellant, without any charge. However the appeal could not be heard on account of retirement of the then SCIC. Hearing was resumed before SCIC on 21/11/2013 and is finally heard and disposed today when the appellant, PIO and FAA are all present.

A reply has been filed by the PIO on 28/06/2012. It is to be noted that it is filed by Shri Vijaykumar Honarvad who informs therein that he had taken over charge on 11/06/2012 from his predecessor and then PIO Shri Rangaraju who has since retired. It is stated in Para 9 that he had discussed the question of total charges for information and that then PIO had made a genuine mistake in estimating the cost of the information, thinking that information was asked about many borewells. He prays that this genuine mistake may be pardoned. The pointwise information has been handed over to the appellant.

It is pertinent to compare Para 1 of the RTI application and Para 2 of the reply submitted by the APIO.

Para I of RTI application – *“Application letter of Naik family member/s who has approached your department for permission/NOC for construction of BOREWELL, behind Nayak Builing, in building maintenance are at Baina, Vasco-da-Gama, Goa in P.T Sheet 153, Chalta No.77.”*

Reply of PIO dated 29/02/2012 – *“There is no record in this office by name Naik family members who have approached this office for seeking Permission/NOC for construction of Bore well.”*

On comparison it appears that the plea of the then PIO about his reply to RTI application dated 29/02/2012 can be accepted, if he thought that the query was regarding many borewells.

The Appellant mentioned before me that she has subsequently been making more applications to the department and various complaints but the department was not co-operative.

The PIO has denied in his reply a Para 8 that she has approached the department for inspection but agreed before me that he would give her inspection of all files pertaining to the present appeal if she approached within a month. He also agrees that regarding her other complaints too she would always get co-operation for inspection of files and for information by charging due fees.

With the above understanding between the appellant and the PIO the appellant has no objection to close this Appeal.

The appeal has thus reached its finality and is allowed to be closed. Order declared in open court. Inform Parties.

Sd/-

(Leena Mehendale)

Goa State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa