

# **GOA STATE INFORMATION COMMISSION**

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

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

**Appeal No. 123/SIC/2012**

**Decided on 11/11/2014**

Mr. Jose de Vieira Menezes  
R/o. H.No. 10, Aquem Alto,  
Margao, Salcete, Goa.  
V/s

---- Appellant

1. Member Secretary /Public Information Officer  
South Goa Planning and Development Authority  
Osia Complex, 4<sup>th</sup> Floor  
Margao- Goa.

2. Chairman/First Appellate Authority  
South Goa Planning and Development Authority  
Osia Complex, 4<sup>th</sup> Floor,  
Margao, Goa.

---- Respondents

## **ORDER**

<b>RTI application filed on</b>	<b>: 16/04/2012</b>
<b>PIO replied</b>	<b>: 27/04/2012</b>
<b>First Appeal filed on</b>	<b>: 09/05/2012</b>
<b>First Appellate Authority Order in</b>	<b>: 15/06/2012</b>
<b>Second Appeal filed on</b>	<b>: 29/06/2012</b>

1) This second appeal arises out of RTI application filed on 16/04/2012 before the PIO and Member Secretary of South Goa Planning and Development Authority (SGPDA), Margao, Goa. The question asked were about “zoning of the property bearing Chalta No. 2 of P.T. Sheet No. 60” and other related questions.

2) The reply was sent by PIO on 27/04/2012 (within time) as below-

*“ With reference to the above you are informed herewith that the Authority issues zoning guidelines on payment of prescribed fees by the applicant thereby giving zoning information on the roads affected if any as per Outline Development Plan provisions. In view of the above the information as sought by you cannot be furnished under Right to Information Act”.*

3) The FAA has passed the order on 15/06/2012 agreeing that *“the PIO has only acted as per the procedure adopted by the Authority in dealing such matters and informed the Appellant about the procedure laid for obtaining the same information.”*

4) The FAA has therefore directed that PIO should “make available the copies of the finally notified O.D.P and the provisionally notified O.D.P after intimating the Appellant the cost of the same under SGPDA Rules and after having received the said amount”.

5) Finally, the appellant paid Rs. 4000/- as per the FAA’s order, and the PIO on 28/06/2012 supplied him documents namely Copy of

- provisional ODP of Margao and
- Finally approved ODP of Margao.

6) When the case came up for hearing before me, the Appellant referred to Para 7 of Appeal memo. Other questions may have needed to be processed as per the Rules of SGPDA but question No. 4 was typically under RTI Act and the PIO and FAA have failed to reply it Question 4 read as below:

*“ In case the Zoning is different from the draft ODP and the present ODP, kindly let me know on whose request or at whose instance the change has been carried out and also furnish me certified copies of the application praying for the change in zoning and the documents accompanying such application.”*

7) Present PIO was asked to clarify during the hearing on 16/09/2014. He clarified through affidavit on 30/09/2014 stating “information to point no. 4 is that *“there is no application received praying for change of zone of Chalta No. 2 of PT sheet 60”*”.

His reply to the 2<sup>nd</sup> appeal Memo on 11/11/2014 states that they have carried out the order of FAA.

8) Now that the present PIO has given information to question 4, it can be taken that the RTI questions are fully answered. The department and previous PIO should be careful in future about the manner of reply of the PIO. If he wanted the Appellant to pay higher fees as required under SGPDA, he is entitled to inform so

to the appellant but he cannot make a blanket statement- “ information cannot be furnished under RTI”. He is bound to furnish information. Only the fees charged will be higher, if SGDPA so requires.

**--- O R D E R ---**

The appeal is disposed as allowed and complied. Prayers of 2<sup>nd</sup> Appeal (a), (b), and (c) are thus granted. Order declared in Open Court. Inform the parties.

**Sd/-**  
**(Leena Mehendale)**  
Goa State Chief Information Commissioner  
Goa State Information Commission  
Panaji – Goa.