

GOA STATE INFORMATION COMMISSION

Ground Floor, Shrama Shakti Bhavan, Patto Plaza, Panaji-Goa

Coram : Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No. 30/SIC/2011

Decided on 15/10/2014

Joan Mascarenhas E D'Souza,
H.No. 315/4, Tropa Vaddo,
Sodiem, Siolim.

---- Appellant

V/s

1. The Public Information Officer/ Town Planner,
Shri. R.M. Borkar,
T & C.P. Department,
Mapusa, Goa.

2. First Appellate Authority,
Senior Town Planner (North)
Shri. James Mathew,
T & C.P. Department,
Mapusa, Goa.

---- Respondents

O R D E R (O R A L)

RTI application filed on	: 03/09/2010
PIO reply	: 01/10/2010
First Appeal filed on	: 04/11/2010
FAA Order dated	: 30/12/2010
Second Appeal filed on	: 08/02/2011

This second appeal arises out of original RTI application dated 03/09/2010 made to PIO/Town Planner, T & C.P, Department , Mapusa, Goa regarding certified copies of TCP NOC, site inspection report, construction approval issued to the Tropa Church, Sodiem, Goa.

When the case came up for hearing on 06/08/2014. Appellant has filed a say stating that finally a reply is received but she insists on the following-

- *The Respondent No. 1/PIO has failed to comply with the order of the FAA/Respondent No. 2.*
- *The untraceable file is a recent file and public property and attracts penal action for being misplaced.*
- *The object of the RTI Act is for accountability and transparency and not to generate unproductive work.*
- *The Respondent No. 1 & 2 may be directed to make necessary changes to the practices in relation in the maintenance, management and destruction of records.*

Contd---2/-

- *The Respondent No. 1 may be directed to pay an appropriate amount of fine towards the hardship, pain and agony and torture physical as well as mental as well as monetary loss caused to the Appellant, due to the unlawful and highhanded actions of the Respondent.*
- *The Appellant should be fully compensated by the Respondent No.1 for not supplying complete information in prescribed time limit and breach of her right.*

The contention of the appellant may be justified however, a hearing must be given to the then PIO to explain his position about the delay or inadequacy.

The second appeal is partly allowed. A separate case should be started under section 20 (1) against the then PIO by name calling explanation as to why a penalty should not impose for not giving information in time. The then PIO should also explain why he should not be asked to compensate the Appellant as per provision of section 19 (8), (vi) (b). Registry to issue notice to then PIO by name. Order declared in Open Court. Inform the parties.

Sd/-

(Leena Mehendale)

Goa State Chief Information Commissioner,
Goa State Information Commission
Panaji – Goa.