

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Complaint No. 40/2008

Shri. Allan Falleiro,
H. No. 400, Toleband,
Loutolim, Salcete – Goa – 403718.

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Complainant.

V/s.

1. The Public Information Officer,
The Hydrographic Surveyor,
Captain of Ports Department,
Panaji - Goa.
2. The First Appellate Authority,
The Captain,
Captain of Ports Department,
Panaji - Goa.

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Opponents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri. G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 30/12/2008.

Complainant in person.

Opponent No. 1 in person. Opponent No. 2 absent.

ORDER

This complaint arises out of an order dated 29/09/2008 passed by this Commission in second appeal No. 55/2008. Certain directions were given therein. One of the important direction given was to inform the Appellant whether the Department of Ports has framed any rules/regulation or instructions regarding obtaining NOCs from various other Departments like Village Panchayats, Goa Coastal Zone Management Authority, State Pollution Control Board, Small Scale Industries Department, etc. before considering the issuance of an NOC to any citizen applying for using his riverine land for the construction/repair of boats. Another direction was whether such NOCs were asked in all the cases of individuals/companies mentioned by the Appellant. The Public Information Officer submitted that he has gathered the information and posted a letter to the Complainant on 5/12/2008. The Complainant has stated that he did not receive it, a copy was given to him in our presence. According to

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this letter, a statement containing all the cases were given in a tabular form alongwith the NOCs obtained from the various authorities including the NOCs not obtained from some of the authorities. He has also stated that there are no written instructions for following this procedure and based on same oral directives these NOCs are being obtained from various Departments. In view of this, the grievances of the Complainant regarding non-receipt of information stand redressed. The discrimination, if any in not granting NOC to him is outside the purview of the Right to Information Act, 2005 and has to be agitated by him separately.

2. The complaint stands disposed off as the information is given to the Complainant though late. The prayer for imposition of penalty is rejected in view of diligent steps taken by the Public Information Officer in gathering information and giving it to the Complainant.

Pronounced in the open court on this 30th day of December, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kampli)
State Information Commissioner

