

**GOA STATE INFORMATION COMMISSION**

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

Appeal No. 180/SIC/2008

Shri Wilson B. L. D'Silva  
B-8/9, Jeevan Nagar, Mithagar Road  
Mulund (E)  
Mumbai – 400 081

...Appellant

V/s.

**1. The Public Information Officer**

Mr Uday Faldesai  
The Panchayat Secretary  
Velim Panchayat  
Velim – Goa

...Respondent No. 1

**2. The First Appellate Authority**

Mr. Sagun R. Velip  
The Block Development Officer, Salcete  
Nr. Holy Spirit Church  
Margao, GOA – 403 601

...Respondent No. 2

**CORAM:**

**Shri G. G. Kampli**

**State Information Commissioner**

**(Per G. G. Kampli)**

**Dated: 05.12.2008**

Appellant absent.

Respondent No. 1 in person.

Respondent No. 2 absent.

**ORDER**

This is a second appeal filed against the Respondents under section 19(3) of the Right to Information Act, 2005 (for short "The Act"). The facts of the case, in brief, are that the Appellant vide his request dated 26.05.2008 sought certain information in respect of the repairs of the house No. 1124/1 situated at Tollecanto, Modar, Velim, of Mr. Sheikh Nasruddin. As the Appellant did not receive any response from the Respondent No. 1, the Appellant presumed that his request is deemed to have been refused and, therefore, he filed the appeal before the Respondent No. 2 on 14.07.2008. The Respondent No. 2 instead of deciding the said appeal as an Appellate

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Authority transferred the same to the Respondent No. 1 vide memorandum dated 22.07.2008 under intimation to the Appellant. Thereafter, the Respondent No. 1 vide his letter dated 02.08.2008 sent the reply to the Appellant. Having not satisfied with the action of the Respondent No. 2, the Appellant has filed the present second appeal before this Commission.

2. Notice was issued to both the Respondents and both the Respondents filed their replies. The Appellant has also sent his written statement by post. The Respondent No. 1 in his reply raised the objection stating that the present appeal has been filed beyond the prescribed period of limitation and, therefore, same is to be dismissed. As regards the delay in furnishing the information, the Respondent No. 1 submitted that he is holding regular charge as Secretary of Chandor Village Panchayat and holding additional charge of the Village Panchayat of Velim for a brief period. The Respondent No. 1 admitted of having received the application of the Appellant seeking the information on 28.05.2008. He stated that the concerned Clerk did place the application before him but he was not aware about the said application. When the application was already placed before him by the concerned Clerk, it is not understood as to how he was not aware of the said application. The Respondent No. 1 further submitted that he came to know about the said application only when he received the memorandum dated 22.07.2008 from the Respondent No. 2 and accordingly, sent the reply to the Appellant vide letter dated 02.08.2008.

3. The Appellant in his application has sought the information on point (i), (ii), and (iii) (a) to (k) of his application details of which are transcribed below:

- “(i) Subject matter of information: NOC for repairs to House bearing House No. 1124/1 at Tollecanto, Velim, Goa.**
- (ii) The period to which information relates : 2006 to 2008**

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**(iii) Description of information required:**

**Please provide the following:**

- (a) Copy of application of Mr. SHAIKH NASSRUDIN for repairs to H. No. 1124/1;**
- (b) Copy of Inspection Report of V.P. Secretary regarding the above application;**
- (c) Copy of the Completion Report of the repairs;**
- (d) Copy of the Panchayat Resolution, its Number, date, tax/fees paid and the period of validity of the N.O.C.;**
- (e) Form I and XIV of the House plot – copy;**
- (f) Whether the consent of the plot owners obtained;**
- (g) Survey plan of the plot supplied by the Applicant – copy;**
- (h) Copy of the sanctioned Plan of House No. 1124/1 in 1966 or thereabouts.**
- (i) Is Mr. Shaikh Nassrudin, the Applicant, living? If not, when did he die? Who forged his signature? What action are you taking on the forgery?**
- (j) Who is Mr. Gaffoor Shaikh to whom you addressed the Notice of Site Inspection dated 18.05.2008? Who is the bogus person of the two?**
- (k) If the above documents/information are not available, give reasons for its absence.**

4. The Respondent No. 1 replied belatedly on 02.08.2008 as follows:

- (i) Enclosed Xerox copy of the N.O.C.
- (ii) No.
- (iii) (a) Not found
- (b) No
- (c) No.
- (d) Enclosed Xerox copy of the resolution.

- (e) No
- (f) No
- (g) No
- (h) No
- (i) Yes
- (j) Father of the Applicant.
- (k) As there is no records available in this Office.

5. On careful perusal of the request of the Appellant as well as the replies given by the Respondent No. 1, it is seen that the Respondent No. 1 has furnished the information only on point (i) and on point (iii) (d). At point No. (a), the Appellant has sought a copy of the application of Shri Sheikh Nasruddin for repairs of the said house. The Respondent No. 1 has replied "not found". This reply is not at all satisfactory. While issuing the NOC dated 20.12.2006, the Village Panchayat Secretary did make reference to the application of Shri Sheikh Nasruddin for repairs of the house and therefore, the Respondent No. 1 cannot say that the application is not found. The Respondent No. 1 should make efforts to trace the application of Shri Sheikh Nasruddin on the basis of which the NOC was issued by the Panchayat.

6. At point No. (iii) (b), (c), (e), (f), (g) and (h), the Respondent No. 1 has replied as "No". At point (b) the Appellant had sought copy of inspection report carried out by the Village Panchayat Secretary. At point (c) the Appellant has sought copy of the completion report, at (e) form I and XIV of the plot, at (f) consent of owner, (g) copy of survey plan of the plot, (h) copy of the sanction plan of the house No. 1124/1 in 1966. The reply given by the Respondent No. 1 is not at all satisfactory and to the point on which the Appellant has sought the information. The Respondent No. 1 should clearly inform the Appellant whether these documents are available in the office record or not. If they are not available, the Respondent No. 1 should say so in writing. The Respondent No. 1 should not merely write

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“No”. The Respondent No. 1 has replied to the point at (i) as “Yes”. This reply is also very vague. The Respondent No. 1 should give clear reply on this point. The Respondent No. 1 has given the reply to the point at (j) as “Father of Applicant” which is incomplete reply. At point (k) the Appellant sought to know the reasons from the Respondent No. 1. The Public Information Officer is not supposed to give the reasons and therefore, the Respondent No. 1 is not bound to furnish any information on the point at (k).

7. As stated earlier, the First Appellate Authority, i.e. Block Development Officer, instead of deciding the appeal himself transferred the said appeal to the Respondent No. 1 who is the Public Information Officer. I fail to understand under what provisions the Respondent No. 2 has transferred the appeal to the Public Information Officer. The action of the Respondent No. 2 in transferring the said appeal to the Respondent N. 1 is totally illegal and contrary to the provisions of the Act. Therefore, the Respondent No. 2 was wrong in transferring the said appeal to the Respondent No. 1.

8. I have gone through the application, appeal memo as well as the replies given by the Respondent No. 1 and Respondent No. 2 and I am satisfied that the Respondent No. 1 has not provided the correct information to the Appellant. Therefore, I hereby direct the Respondent No. 1 to provide the correct information to the Appellant on point No. (ii), (iii) (a), (b), (c), (e), (f), (g), (h) and (i) within two weeks from the date of this order.

9. The Respondent No. 1 has raised preliminary objection that the present appeal is barred by law of limitation. However, the Respondent No. 1 has not explained as to how the present appeal is barred by law of limitation. The present appeal is filed on 30.09.2008 before this Commission. The memorandum is dated 22.07.2008, a copy of which was endorsed to the Appellant addressed at Mumbai. The time limit provided for

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filing the second appeal against the decision of the First Appellate Authority is 90 days in terms of the provisions of section 19(3) of the Act. Therefore, I do not see any substance in the preliminary objection and the same is overruled.

Pronounced in the open Court on this 05<sup>th</sup> day of December 2008.

**Sd/-**  
**(G. G. KAMBLI)**  
**STATE INFORMATION COMMISSIONER**

GSIC/Appeal/180/SIC/2008  
The Goa State Information  
Commission,  
“Shrama Shakti Bhavan,” Patto Plaza  
Panaji – Goa

05.12.2008

To

- 1) Shri Wilson B. L. D’Silva  
B-8/9, Jeevan Nagar, Mithagar Road  
Mulund (E)  
Mumbai – 400 081
2. The Public Information Officer  
Mr Uday Faldesai  
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The Block Development Officer, Salcete  
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Margao, GOA – 403 601

Sir,

**Sub: Appeal No. 180/SIC/2008.**

I am directed to forward herewith the copy of the Order dated 05.12.2008 passed by the Commission on the above Appeal for information and necessary action.

Yours faithfully,

**(G. D. Padgaonkar)**  
Secretary

**Encl: Copy of order in six pages.**