

**GOA STATE INFORMATION COMMISSION AT  
PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 215/SCIC/2008/**

Dr. Manisha G. Audi  
H. No. 114, Old Market  
Margao – Goa

...**Appellant.**

V/s.

1) The Public Information Officer  
The Chief Officer  
Margao Municipal Council  
Margao – Goa

...**Respondent No. 1**

2) The First Appellate Authority  
The Director  
Directorate of Municipal Administration/Urban Development  
Collectorate Building, Ground Floor  
Margao – Goa

...**Respondent No. 2**

Appellant present in person.  
Adv. Kum Sanvordekar for Respondent No. 1.

**J U D G M E N T**

**(Per Afonso Araujo)**

The order dated 7<sup>th</sup> November 2008 of the First Appellate Authority, the Director of Municipal Administration/Urban Development, dismissing the appeal, is under challenge in this second appeal.

2. The Appellant moved an application dated 30.07.2008 to the Public Information Officer, i.e. the Chief Officer, Margao Municipal Council, the Respondent No. 1 requesting to provide number of information enumerated at serial Nos. 1 to 17 in the application. The Public Information Officer by letter dated 29.08.2008 replied to the information sought at serial No. 1 stating that :

(1) Shop No. 7 in the Pavilhao Grande is situated in “Afonso de Albuquerque, Market, Mestabhat, Margao. As per agreement of

...2/-

lease between the Margao Municipal Council and Ramesh Audi has been executed on 25<sup>th</sup> day of September 1982.

(2) As regards para 2 to 17, no record is available with the office, as agreement is executed in the year 1982 and Shri Ramesh Audi is the lessee/rent payer of this Council.

3. Not satisfied with the reply of the Respondent No. 1 dated 29.08.2008, the Appellant preferred First Appeal before the Director of Municipal Administration/Urban Development on the ground that the information sought in respect of shop No. 7 in Pavilhao Grande pertains to year 1982 onwards and not from the year 1965 to 1981.

4. Before the First Appellate Authority the Appellant did not appear, and based on the Appellants letter dated 01.09.2009 submitted by the Appellant which served as the memo to the appeal and the oral submissions made by the Public Information Officer, the First Appellate Authority dismissed the appeal by order dated 07.11.2008 on the ground that the information sought by the Appellant was given by letter dated 29.09.2008. This is the Impugned Order.

5. It is contended by the Appellant that the Respondent No. 1 did not give the information sought in respect of shop No. 7 in Pavilhao Grande from 1965 to 1981 but gave the information from September 1982 and even then did not give the information as to who was running the shop in June, July and August 1982. The Appellant further contended that the appeal be allowed and the Respondent No. 1 be directed to furnish the details mentioned in serial No. 2 to 17 of her letter dated 30.07.2008.

6. On the other hand, Adv. Kum. Sanvordekar appearing for Respondent No. 1 has submitted that whatever information was

available in respect of shop No. 7 in Pavilhao Grande was given to the Appellant and queries No. 2 to 17 in the letter dated 30.07.2008 the Respondent answered by letter dated 29.08.2008 and that the information at serial No. 2 to 17 was not available as it pertains to documents more than 30 years old and not within the power of the Respondent and that the appeal be dismissed.

7. I have gone through the records and proceedings of the case and taken into consideration the submissions of both the parties. By letter dated 30<sup>th</sup> July 2008 the Appellant sought at random from the Respondent No. 1 a number of information mentioned at Serial No. 1 to 17 in the letter and pertaining to shop No.7 in Pavilhao Grande. Information sought at serial No. 1 reads: (1) where is the shop No. 7 in Pavilhao Grande located and when it came into existence. Information at Sr. No. 2 to 17 pertains to various queries such as who was the lessee; whose name is mentioned in the lease papers; what was the rent; in whose name the rent receipts were issued; what kind of business was run; duration of the lease and when to be renewed. Each query pertains to a particular year and starting from the year 1965 to 1981.

8. The Public Information Officer in his letter dated 29.08.2008 replied within the stipulated period and furnished the information by answering the query at serial No. 1 stating that the shop No. 7 in Pavilhao Grande is situated in "Afonso de Albuquerque, Market, Mestabhat, Margao and as per agreement of lease between the Margao Municipal Council and Ramesh Audi it been executed on 25<sup>th</sup> day of September 1982. Regarding the queries at serial No. 2 to 17, the Respondent No. 1 stated that no record is available with the office, as agreement is executed in the year 1982 and Shri Ramesh Audi is the lessee/rent payer of this Council.

9. The Appellant not satisfied with the reply to the information

sought at serial No. 2 to 17, preferred first appeal but did not appear before the First Appellate Authority for four consecutive hearings and ultimately the First Appellate Authority had to decide the appeal in the absence of the Appellant and based on the facts mentioned in the appeal memo before the First Appellate Authority.

10. In this appeal the Appellant's grievance is the same, i.e. the information sought at serial No. 2 to 17 was not given. Besides, the contention of the Appellant is that even the information given is from September 1982, but the Respondent No. 1 did not give the details as to who was running the shop in June, July and August 1982. However, Respondent No. 1 informed the Appellant that from the records available in respect of shop No. 7 in Pavilhao Grande, in the year 1982 there was a lease agreement between Margao Municipal Council and one Ramesh Audi thereby indicating that prior to 1982 there are no records but from 1982. From the appeal memo it appears that the Appellant also requires some more information pertaining to the months of June, July and August of the year 1982 which according to the Appellant the Respondent No. 1 did not furnish.

12. Since the information sought by the Appellant from the year 1965 to 1981 in respect of shop No. 7 in Pavilhao Grande is not available with the Respondent No. 1 and since the information is available from the year 1982 which was not sought, yet the grievance was made by the Appellant in this appeal about not supplying the information by Respondent No. 1 of the year 1982, the Appellant may approach the Respondent No. 1 with a proper, orderly and systematic application seeking whatever information required and which is available with the Respondent No. 1 and

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pertaining to the shop No. 7 in Pavilhao Grande. With this observation, I pass the following order:

**ORDER**

The appeal is dismissed.

Pronounced in the open Court on this 2<sup>nd</sup> day of April, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner