

## **GOA INFORMATION COMMISSION**

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

Appeal No. 127/SCIC/2008

Shri. Shashikant B. Bhagat,  
Bhagatwada, Nagevcim,  
Canacona - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
The Chief Officer,  
Canacona Municipal Council,  
Canacona - Goa.
2. First Appellate Authority,  
The Director,  
Municipal Administration/Urban Development,  
Panaji – Goa.

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Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 13/10/2008.

Appellant in person.

Respondents absent.

### **ORDER**

The Appellant approached the Respondent No. 1 initially on 2/6/2008 requesting for a copy of his own letter dated 8/2/2008 alongwith a cheque given by him to the Municipal Council of Canacona. The circumstances leading to this peculiar request are that he was earlier sent a notice/letter by the Canacona Municipal Council regarding the structure put up by the Appellant in the name of reconstruction without taking prior permission from the Municipal Council. The Appellant stated that subsequent to the receipt of the notice/letter from the Municipal Council, the Appellant had got the technical clearances from the Town Planning Department and submitted an application alongwith the fees in the form of a cheque No.CA/D1158470 dated 8/2/2008 for Rs.8000/- drawn on the Goa Urban Co-operative Bank Limited, Canacona Branch. A copy of the letter dated 8/2/2008 alongwith a copy of the cheque have also been enclosed by the Appellant himself which bears the signature of the clerk with the stamp of Canacona Municipal Council. It appears that the Municipal Council took a decision not to grant the approval and therefore, the cheque was not realized nor was it sent back to the Appellant. It is in

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this connection, the Appellant requested for the copy of his own letter and his own cheque. The original request for information dated 2/6/2008 of the Appellant, (a copy of which is submitted by the Appellant alongwith the second appeal) is illegible and cannot be read. The above information was collected from all other papers filed alongwith the appeal. Initially, the Public Information Officer, Respondent No. 1 herein, did not send any reply within the time limit allowed under the Right to Information Act, 2005 (for short the RTI Act) and a first appeal was filed before the first Appellate Authority, Respondent No. 2. An order came to be passed by Respondent No. 2 that the Public Information Officer "should make the information available within 7 days from 1/8/2008."

2. Notices were issued to both the Respondents who have chosen to remain absent. Hence, I proceed to decide the second appeal based on the documents available on record.

3. The Respondent No. 2 has allowed the appeal. Hence, there cannot be any grievance of the Appellant against the first Appellate Authority. However, in pursuance to the appellate order, the Public Information Officer sent a letter on 5/8/2008 saying that the Municipal Council did not approve the application of reconstruction applied by the Appellant earlier. He has also stated that they have not received any cheque nor was it deposited in the Bank. However, if any details of payment by the Bank to the Municipal Council are submitted, the Chief Officer offered to refund back money to the Appellant. Finally, to the request of the Appellant under the RTI Act, he stated that the documents like copy of the cheque and the letter of the Appellant cannot be given by them as they are not available with the Council. If this is the position, I do not know why the Chief Officer has not informed the Appellant in the first instance before the first appeal is made. Further, it has been mentioned in the first Appellate Authority's order dated 1/8/2008 that "the Respondent (No. 1) states that the information is available in the Accounts Section, the Respondent shall make the information available within 7 days". If the cheque and the letter requested for by the Appellant were not available with the Council as now claimed by the Respondent No. 1 in the letter dated 5/8/2008 to the Appellant, I do not know how he has claimed before Respondent No. 2 that it is available in the Accounts Section. Obviously one of them is wrong. I am also not in a position to find out

who is wrong because both of them did not appear before me nor filed any statements. The Public Information Officer, therefore, is directed to show cause why the penalty of Rs.250/- per day should not be imposed on him from 2/7/2008 till 5/8/2008 for the delay in giving a reply to the Appellant. He should also file an affidavit why he had made a false statement before the first Appellate Authority that the information was available in the Accounts Section.

4. The appeal should come for hearing on the penalty on 27/10/2008 at 11.00 a.m.

Pronounced in the open court on this 13<sup>th</sup> day of October, 2008.

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

