

**GOA STATE INFORMATION COMMISSION AT  
PANAJI**

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

**Appeal No. 157/2008**

Mr. Oscar J. Monteiro  
H. No.119, Gina Chicalim  
Goa – 403 711

...**Appellant.**

V/s.

- 1) The Public Information Officer  
The Member Secretary  
Mormugao Planning & Development Authority  
Vasco da Gama ...**Respondent No. 1**
  
- 2) The First Appellate Authority  
The Chief Town Planner  
Town & Country Planning Department  
Panaji – Goa ...**Respondent No. 2**

Appellant absent.

Shri R. K. Pandita – Respondent No. 1 present.

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

**(Per Afonso Araujo)**

By an application dated 01.02.2008 the Appellant sought information from the Respondent No. 1 regarding width of the existing road as per ODP running through the survey No. 119, 120, 117, 116, 115, 111, 151 and 152 of the Village Chicalim, Taluka Mormugao. The Respondent No. 1 by letter dated 20.02.2008 requested the Appellant to submit the survey plan and form No. I and XIV of the survey No. mentioned in the application dated 01.02.2008. The Appellant by letter dated 11<sup>th</sup> April 2008 provided the Respondent No. 1 with the survey plan and form I and XIV in respect of the property surveyed under No. mentioned in the application for information.

...2/-

2. As the Appellant did not receive the information, on 29.06.2008 the Appellant moved the First Appellate Authority. Though the First Appeal was filed beyond the period of limitation the Respondent No. 1 entertained the appeal and though the Appellant was absent for the hearing of the First Appeal the Respondent No. 2 after hearing the Respondent No. 1 by order dated 18.07.2008 directed the Respondent No. 1 to provide the Appellant the information sought within 15 days from the date of the receipt of the order. It appears that the Appellant was not aware of the order of the Respondent No. 2 dated 18.07.2008 and preferred Second Appeal on 16.09.2008 stating that the Appellant has not received any communication from the Respondent No. 2.

3. On the hearing of 20.10.2008 the Respondent No 1 made a submission that the information is ready and the appeal was posted for compliance on 28.10.2008 and thereafter on 05.11.2008. As the Respondent No. 1 remained absent and did not comply with the directions of the Commission, a Show Cause Notice was issued to the Respondent No. 1. The Respondent No. 1 filed a reply on 02.02.2009 stating that the Appellant has been provided with the information by letter dated 28.10.2008 and a copy of the information provided to the Appellant also was submitted to the Respondent No. 2 and as the Respondent No. 1 was under the impression that the compliance report has to be submitted to the Chief Town Planner, the First Appellate Authority – Respondent No. 2, the Respondent No. 1 apologized to the Commission for not directly submitting the compliance report instead of submitting to the Respondent No. 2.

4. After the presentation of the Second Appeal on hearing on 20.10.2008 the Respondent No. 1 undertook to provide the information to the Appellant which was done by letter dated

28.10.2008 and Appellant has received this letter since a signature appeared on the said letter. The Appellant has the knowledge of the information provided by the Respondent No. 1 and since he has not filed any objections it appears that the Appellant is satisfied with the information received from the Respondent No. 1. Instead of reporting to this Commission about the compliance of the directions of the Commission to provide the information, the Respondent No. 1 reported the compliance to the Respondent No. 1 being the First Appellate Authority and, as such there is no question of any disobedience to the Order of the Commission.

5. Since the information sought by the Appellant has been provided to the Appellant by letter dated 28.10.2008 and this letter has been received by the Appellant and there is nothing on record to indicate that the Appellant is not satisfied with the information provided, the appeal is disposed off accordingly.

Pronounced in the open Court on this 25<sup>th</sup> day of May 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner