

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Appeal No. 320/SIC/2008**

Mr. Alexinho F. Monserrate,  
Santarbhat, Piedade, Divar,  
Ilhas – Goa.

..... Appellant.

V/s.

The Public Information Officer,  
The Secretary,  
Village Panchayat of Goltim/Navelim,  
Divar, Ilhas – Goa

..... Respondent.

Appellant present.

Respondent present in person.

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

**(Per Afonso Araujo)**

The Order of the First Appellate Authority confirming the denial of the information by the Public Information Officer is under the challenge in this Appeal.

2. The Appellant in order to obtain a electrical connection to his house situated in the Village Goltim applied for No Objection Certificate from the Sarpanch of the Village Panchayat Goltim-Navelim. By letter dated 14/11/2008, the Sarpanch of the Village Panchayat granted no objection certificate for the electricity connection to the Appellant and stated that if the Appellant failed to take electricity connection then this Village Panchayat will not issue new NOC for electricity connection for the said house. This observation led the Appellant to approach the Secretary of Village Panchayat Goltim – Navelim on 20/01/2009 for the following information under the Right to Information Act, 2005 (for short the Act): -

1. Kindly quote the Rules/Provisions of Law for the time being in force that this Panchayat has relied upon before arriving at such a decision as to deny a request for NOC on a subsequent occasion.

2. Also furnish the copy of the procedure in place to be followed for obtaining NOC from the Panchayat on expiry of NOC issued earlier for electrical connection.

In the reply dated 17/02/2009, the Respondent answered the query at Sr. No. 1 by providing the copy of the Resolution in the matter and in respect of query No. 2 has stated that the information is not available in the records of Village Panchayat Goltim-Navelim. Not content with the information provided, the Appellant approached the First Appellate Authority who by order dated 17/03/2009 agreed with the reply of the Respondent and dismissed the Appeal. Aggrieved by this order, the Appellant preferred this Second Appeal with a prayer to impose the penalty on the Respondent; to compensate the Complainant and direct the Public Information Officer to provide correct information.

3. The Appellant submitted that he has asked for the rules on which NOC for electrical connection will not be provided on subsequent occasion if on the earlier occasion the NOC given was not made use and the electricity connection was not obtained. The Respondent stated that the reply submitted to the Appeal may be treated as the arguments in this Appeal.

4. The Panchayat authorities granted NOC for the Appellant in order to produce before the Electricity Department for obtaining electricity connection to the house of the Appellant but the remarks which have been made by the Sarpanch of the Village Panchayat stating that no new NOC would be issued for electricity connection if the Appellant fail to take electricity connection on the previous NOC given, impelled the Appellant to seek the information under the Act. In this information sought the Appellant requires the rules/provisions of law which the Panchayat authorities relied for arriving at a decision of denying a request for NOC on subsequent occasions and also required a copy of the procedure adopted by the Panchayat for obtaining NOC on expiry of the NOC issued earlier for electrical connection. The Respondent by producing a copy of the Resolution wherein the NOC for electrical connection was granted to the Appellant and also stated that no N.O.C. will be issued in future if the Appellant fails to utilize the present N.O.C.

and obtain electricity connection, has indicated that there are no rules or any provisions of law under which the Panchayat authorities can deny the request for NOC on subsequent occasion if earlier NOC was not made use for obtaining electrical connection. This decision taken by the Panchayat authorities are based only on the Resolution and does not have any backing on any provisions of law and rules. Once there are no rules to be followed on such matters of denial of the NOC for a electricity connection on subsequent occasion, consequently, the Respondent also is not able to produce any material to show that there is any procedure to be followed for obtaining NOC on expiry of NOC issued earlier for electrical connection. It appears that this decision taken by Panchayat is only by way of resolution which has no force in law and can be struck down as illegal and the Appellant can either ignore it or pursue it with higher authorities.

5. The contention of the Respondent that the queries which were asked by the Appellant is not information within the meaning of information under the Act, is not correct. Section 2(f) defines information and states that the "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. In this definition of information, the opinions, advices can also be information under the Act and does not limit only to the materials and records available with the public authority as contended by the Respondent. The Appellant merely requires to know on what basis the Respondent stated that the request for NOC for subsequent occasion to obtain the electricity connection, will not be given if the Appellant failed to utilize the present NOC and does not obtain electrical connection and this information the Respondent cannot deny stating that it is not information under Act.

6. The information sought by the Appellant, the Respondent provided it by way of furnishing the copy of the Resolution which is a

basis for such decision and since the Respondent neither have any rules nor any procedure to be followed in order not to grant any further N.O.C. if the previous N.O.C. for electrical connection was not availed of, there is no question of the information provided being false, evasive and misleading. For the above reasons, the information provided by the Respondent meets the requirements of information sought by the Appellant. Hence, the following order: -

**ORDER**

The information sought was provided to the Appellant, the Appeal is disposed off accordingly.

Pronounced in the open court on this 10<sup>th</sup> day of June, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



