

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 268/2008

Shri Antonio M. Fernandes,
H. No. 31, Novo Vaddo,
Sernabatim, Colva, Salcete – Goa.

..... Appellant.

V/s.

1. The Public Information Officer,
South Goa District Office,
Town & Country Planning Department,
Margao – Goa.
 2. The First Appellate Authority,
The Chief Town Planner,
Office of the Chief Town Planning Department,
Dempo Towers, Patto Plaza, Panaji - Goa.
- Respondents.

Appellant present in person.

Respondent No. 1 in person.

J U D G M E N T

(Per Afonso Araujo)

The deemed refusal of the Public Information Officer to the information sought and not satisfied with the information provided on the direction of the First Appellate Authority are the grievances in this Second Appeal.

2. The Appellant on 10/10/2008 approached the Public Information Officer, Respondent No. 1 and sought information in respect of the project of Prudential Developers under Survey No. 57/1 at Vanelim and which are enumerated at points 1 to 10. Since the Respondent No. 1 did not provide the information within a period of 30 days as envisaged under section 7(1) of the Right to Information Act, 2005 (for short the RTI Act), the Appellant construed as deemed refusal and approached the First Appellate Authority who by order dated 18/12/2008 directed the Respondent No. 1 to provide information within 15 days. On 01/01/2009, the Respondent No. 1 provided the information stating that the information sought at Sr. No. 1 to 10 of application dated 10/10/2008 is covered by the inspection report. Not content with this information given by the Respondent No. 1, the Appellant preferred this Appeal.

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3. Shri Antonio Fernandes – the Appellant stated that the site inspection report gives replies to points No. 5, 6, 9 and 10 and that the rest information was not given and that the inspection report was prepared after the information was sought. Shri Rajesh Naik, Public Information Officer stated that the information sought is in form of queries pertaining to the inspection report and that the information sought is covered by the inspection report.

4. I have gone through the records and taken into consideration submission of both the parties. The information which was sought on 10/10/2008 from the Respondent No. 1, it was not provided at all thereby it amounted to deem refusal under section 7(2) of the RTI Act as the Respondent No. 1 did not adhere to the provisions of section 7(1) of the RTI Act and decide within the period of 30 days the request of the Appellant. It is only after the First Appellate Authority ordered that the Respondent No. 1 to provide information within 15 days, that the information was provided on 01/01/2009. It appears that a site inspection report of M/s. Prudential Developers was carried on 7/10/2008 in Survey No. 57/1 of Vanelim village. From this report, the Respondent No. 1 stated that the information sought at Sr. No. 1 to 10 of the Appellant's request dated 10/10/2008 is covered by this inspection report.

5. On perusing the report, only points 5 and 6 which pertains to retaining wall and 9 and 10 which deals with the measurement of road and height of the building respectively has been answered and as such the information on points 1, 2, 3, 4, 7 and 8 has not been provided by the Respondent No. 1. The Appellant has been deprived of the information sought right from 10/10/2008 and from the report the site inspection which purported to have been carried on 7/10/2008 by the Respondent No. 1, did not provide the information at all and only, after the direction of the First Appellate Authority, the information was provided on 01/01/2009. Before dealing with the delay in providing the information and consequential action to be taken against Respondent No. 1, it will be proper that the Respondent No. 1 is directed to provide the information sought by the Appellant. Hence, the following order: -

ORDER

The Appeal is partly allowed. The Respondent No. 1 is directed to provide to the Appellant the information at Sr. No. 1, 2, 3, 4, 7 and 8 of the request dated 10/10/2008 within the period of 20 days from the receipt of this Order. The Respondent No. 1 to appear and report compliance on 14/08/2009 at 10.30 a.m.

Pronounced in the open court on this 20th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

