

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 04/SIC/2009

Shri Paramanand E. Naik,
Major, Bamonwado, H. No. 1124,
Siolim, Bardez – Goa.

..... Appellant.

V/s.

Village Panchayat of Siolim-Marna,
Siolim, Bardez - Goa.

..... Respondent.

Appellant present in person.

Respondent also present in person.

J U D G M E N T

(Per Afonso Araujo)

Not content with the incomplete information provided by the Public Information Officer and aggrieved by the order of the First Appellate Authority, the Appellant preferred this Second Appeal.

2. The Appellant on 26/02/2008 sought information under the Right to Information Act, 2005 (to be referred as the RTI Act) and required to know on what basis the Respondent has issued N.O.C. dated 19/10/2007 for electricity connection to Shri Prabhakar M. Shirodkar without N.O.C. from the Appellant as owners of the premises. The Respondent by letter dated 27/03/2008 informed the Appellant that the Panchayat has taken a resolution, and on the basis of this resolution, this Panchayat has given the N.O.C. for Electricity Connection to Prabhakar M. Shirodkar for commercial purpose. The Appellant on 01/04/2008 and with reference to the reply dated 27/03/2008 of the Respondent sought information in respect of the Resolution passed and required (i) certified copy of the said Resolution and (ii) information on what basis the N.O.C. was given without the consent of the landlord when the Court of Rent Controller, Mapusa has passed an order of eviction against the said Prabhakar Shirodkar. In reply to this request, the Respondent by letter dated 10/4/2008 provided the Appellant the copy of the Resolution 6(5) dated 31/8/2007.

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3. After obtaining the copy of the Resolution 6(5) dated 31/08/2007, the Appellant on 8/05/2008 again sought the following information under the RTI Act: (1) On what basis, the N.O.C. dated 19/10/2007 issued under No.VP/SM/07-08/788 has been given to Shri Prabhakar M. Shirodkar to take electricity connection in the premises belonging to the Appellant at Bamonwaddo, Siolim, Bardez; (2) Is the Village Panchayat of Siolim-Marna entitled to issue N.O.C. to Mr. Prabhakar M. Shirodkar to take electricity to the house premises belonging to and recorded in the name of Vaman Balkrishna Naik? In the same letter, the Appellant, in case the answer is in negative, wants to know how and on what basis the said N.O.C. dated 19/10/2007 has been issued to the said Shri Prabhakar M. Shirodkar and if the answer is in the affirmative, requires to know, on whose name the H. No. 71 which is referred in the said N.O.C., is recorded. The Respondent to the request of the Appellant by letter dated 27/5/2008 stated that the information has been searched but could not be traced. Not satisfied with this reply, the Appellant preferred the First Appeal before the First Appellate Authority and by order dated 20/2/2009 on the reasoning that whatever documents available has been handed over to the Appellant including the Resolution and that the hypothetical question cannot be answered, the First Appellate Authority dismissed the Appeal. Aggrieved by this order, the Appellant preferred the Second Appeal.

4. Shri Paramanand Naik stated that he required the information as to how the Village Panchayat has granted N.O.C. for electricity connection to Shri Prabhakar M. Shirodkar when the owner of the house is the Appellant and there is a eviction order to the said Shirodkar of the Court of Rent Controller, Mapusa. Shri Kambli stated that the information sought was provided and the electricity connection was given based on the Resolution passed by the Village Panchayat.

5. I have gone through the records of the case and submission of both the parties. The Appellant sought information from the Respondent in view of the N.O.C. granted by the Village Panchayat for electricity connection to the house occupied by Shri Prabhakar M. Shirodkar and belonging to the Appellant. The Respondent provided the Appellant with the certified copy of the Resolution wherein the application from

Prabhakar Shirodkar resident of H. No. 71, Siolim – Marna for issue of N.O.C. for electricity connection, has been approved and passed in the meeting dated 31/08/2007. The contention of the Appellant is that the information provided by the Respondent is not to his satisfaction as the Appellant being the owner of the house and specially when the eviction order has been issued against Prabhakar M. Shirodkar, the Appellant is entitled to know the reasons from the Panchayat authorities for issuing N.O.C. to the said Shirodkar. The Respondent in the reply to the requests dated 26/2/2008, 1/4/2008 and 8/5/2008 could at the most provided the basis on which the N.O.C. was issued and the information was by providing the certified copy of the Resolution 6(5) dated 31/8/2007.

6. The reasons for issuing such N.O.C. for electrical connection is not information within the meaning of section 2(f) of the RTI Act. As per section 2(f) "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 in force. The records in any form available with any public authorities including opinion, advices from the records is information contemplated in the RTI Act but opinion as to why any action or stand was taken or not, is not information within the meaning of the RTI Act and it is not in the domain of the RTI Act to provide reasons for any particular action. No doubt the Appellant felt aggrieved by the fact that inspite of the Appellant being the owner of the house and obtained from the Rent Controller the order of eviction from the premises occupied by the said Shirodkar, the Panchayat authorities issued a N.O.C. to the said Shirodkar for electrical connection. Under the RTI Act, the Appellant can seek information from the records and based on this information the Appellant can approach the appropriate forum for his redress against particular public authority who had issued N.O.C. for electrical connection to the house belonging to the Appellant.

7. Since the Respondent provided the certified copy of the Resolution 6(5) dated 31/08/2007 wherein the petition for N.O.C. to Prabhakar M. Shirodkar was approved, it meets the requirement of the request of the Appellant in the letters dated 26/2/2008, 1/4/2008 and 8/5/2008 and accordingly, this Appeal is disposed off.

Pronounced in the open court on this 28th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

