

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 237/SCIC/2008

Shri Surendra Furtado
Timotio Building, 1st Floor
Next to Navhind Times
Panaji – Goa

...**Appellant.**

V/s.

1) The Public Information Officer
Corporation of the City of Panaji
Panaji – Goa

...**Respondent No. 1**

2) The First Appellate Authority
The Director
Directorate of Municipal Administration
Panaji – Goa

...**Respondent No. 2**

Appellant in person.
Respondent absent.

J U D G M E N T

(Per Afonso Araujo)

Denying the information by way of deemed refusal and by non-complying with the order of the First Appellate Authority are the grievances in this Second Appeal.

2. The Appellant on 05.09.2008 addressed to the Assistant Public Information Officer sought information on 11 points mentioned in the letter and which pertains to the construction licences issued to mega projects for the years 2007-2008 at the EDC Complex, Patto, Panaji. The Respondent No. 1 did not provide the information within the stipulated period of 30days and as it amounts to deemed refusal, the Appellant preferred First Appeal and by order dated 17.11.2008 the First Appellate Authority directed the Respondent No. 1 to provide the information within a period of 7 days. The Respondent No. 1 did not comply with this order and the Appellant preferred Second Appeal with a prayer to furnish the information; maximum penalty

...2/-

of Rs. 25,000/- to be imposed on the Public Information Officer; disciplinary proceedings against Public Information Officer and compensation to be granted to the Appellant for harassment. The Respondent No. 1 filed a reply stating that he could not provide the information within stipulated time on account of compelling circumstances and prior to passing the order dated 17.11.2008 by the First Appellate Authority, the Respondent No. 1 provided information on 12.11.2008 which was duly received by the Appellant.

3. Shri Furtado submitted that the information sought was not provided by the Respondent No. 1 within the period of thirty days and that the information provided by the Appellant on 12.11.2008 is incomplete and they referred only to EDC buildings and that the manner the Public Information Officer gave the information is not the way to provide answers and that the Respondent No. 1 be directed to provide correct information; maximum penalty of Rs. 25,000/- be imposed on Public Information Officer; disciplinary proceedings be started against him and compensation may be granted to the Appellant.

4. I have gone through the records of the case and taken into consideration the submissions of the Appellant. The information sought on 05.09.2008 the Respondent No. 1 did not provide the information within the period of 30 days and as such it amounts to deemed refusal. The Appellant preferred First Appeal on 23.10.2008 and before the order of the First Appellate Authority was passed on 17.11.2008, the Respondent No. 1 provided the information to the Appellant in the communication dated 12.11.2008. From the date the information was sought on 05.09.2008 to the date the information was provided on 12.11.2008 there was a delay on the part of the Respondent No. 1 for which the Respondent No. 1 has to justify the delay.

On perusing the information provided in the letter dated 12.11.2008 it meets the requirements to the request of the Appellant dated 05.09.2008 except item No. 11 wherein the Appellant requires to know how many occupancy certificates have been issued by the Corporation in the EDC Complex, Patto; the name of the companies; how many floors have been constructed in these projects and parking facilities given in the building. The Respondent No. 1 did not provide this information to the Appellant and the question being specific there will not be any difficulty for Respondent No. 1 to provide this information at item No. 11.

5. Since the information sought by the Appellant was provided to the item No. 1 to 10 and before dealing with the question of penalty the Respondent No. 1 is required to provide the information at item No. 11 of the request dated 05.09.2008. Hence, the following order:

ORDER

The appeal is partly allowed. The Respondent No. 1 to provide the information to the request of the Appellant dated 05.09.2008 at item No. 11 within the period of 20 days from the date of receipt of this order and report compliance on 27.10.2009.

Pronounced in the open court on this 24th day of September 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner