

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 13/SCIC/2009/

Shri Andrew Menezes
National Institute of Oceanography
Dona Paula
Goa – 403 004

...Appellant

V/s.

- 1) Shri Melvyn A. Vaz
Public Information Officer
Corporation of the City of Panaji
Panaji – Goa ... Respondent No.1.
- 2) Shri Daulat Hawaldar,
First Appellate Authority
Director of Municipal Administration
Collectorate Building
Panaji-Goa ... Respondent No.2.
- 3) Smt. Sneha S. Morajkar
Additional Director of Municipal Administration
Collectorate Building
Panaji – Goa ... Respondent No.3.

Appellant in person.
Respondents absent.

J U D G M E N T

(Per Afonso Araujo)

The incomplete information provided under the Right to Information Act, 2005 as well as non-compliance of the Order of the First Appellate Authority by the Public Information Officer are the grievances of the Appellant in this Second Appeal.

2. By request dated 06.10.2008 the Appellant sought information at points enumerated at 1 to 12. The Public Information Officer – Respondent No. 1 by communication dated 03.11.2008 informed the Appellant that the file pertaining to the construction is not traceable in the office records inspite of all efforts made to trace the same. Subsequently, on 04.12.2008 the Respondent No.1 provided the information at serial No. 11 and 12 to the letter dated 06.10.2008 by giving a list of the available house

...2/-

tax records. Not satisfied with the information provided in the letters dated 03.11.2008 and 04.12.2008 the Appellant preferred the First Appeal on 17.12.2008 and while disposing the Appeal by order dated 16.01.2009 the First Appellate Authority observed that the Respondent has not filed a complaint on missing file, no efforts have been made to trace records and directed the Respondent to take all feasible efforts to make the information available to the Appellant based on parallel records available in the office within a period of 30 days from the date of the order, i.e. 09.01.2009. As the Respondent did not comply with the order of the First Appellate Authority dated 16.01.2009 this present Appeal.

3. Shri Menezes submitted that the information sought on 06.10.2008 was not provided at all and that the information given on 04.12.2008 on question 11 and 12 is incomplete and that after the order of the First Appellate Authority the Respondent on 09.02.2008 provided the information at serial No. 7 which is again incomplete and that the order of the First Appellate Authority was not implemented and that as the files are not maintained properly directions be given to the concerned Public Authority to maintain the records properly.

4. I have gone through the records and proceedings of the case and the contention of the Appellant. The information sought in the request dated 06.10.2008 and mentioned in item No. 1 to 6 the Appellant requires certified copies of the applications in respect of construction licences made by Shri P. S. Pilgaonkar on land bearing Chalta No. 4 and 4A of P.T. Sheet No. 145 of Caranzalem and item No. 7 to 12 pertains to certified copies of all occupancy certificates, names of the owners of flats, garages and other structures constructed on the land bearing Chalta No. 4 and 4A of P.T. Sheet No. 145 of Caranzalem. By communication dated 03.11.2008 the Respondent No. 1 stated that the file pertaining to

construction is not traceable inspite of efforts to trace it and subsequently on 04.12.2008 the Respondent produced the list of house tax records in reply to the item No. 11 and 12 of letter dated 06.10.2008. In pursuant to the order dated 16.01.2009 of First Appellate Authority, the Respondent by letter dated 09.02.2009 produced occupancy certificates of Shri V. S. Pilgaonkar. The contention of the Appellant is that the information provided by letter dated 04.12.2008 which is in respect of queries No.11 and 12 and the reply dated 09.02.2009 which is in respect of query No. 7 are incomplete and does not answer the queries raised by the Appellant.

5. On perusing the replies to the items No.11 and 12 the Respondent provided the information regarding house No., name of the owner, flat No., area occupied and annual taxes paid. The Respondent need not indicate the new owners, their addresses prior to moving into the acquired flats. At the most the Respondent to provide the information regarding the mode and date of acquisition of flats and garages mentioned in item No.11 and 12. Regarding item No. 7 the Appellant requires certified copies of occupancy certificates in connection with all the flats and garages constructed in land bearing Chalta No. 4 and 4A of P.T. Sheet No. 145 of Caranzalem and the information provided by the Respondent in the letter dated 09.02.2009 is only in respect of one flat of V. S. Pilgaonkar. Since the information provided are incomplete the Respondent to provide the information at item No. 1 to 10 of the request dated 06.10.2008 and in respect of item No. 11 and 12 the Respondent to provide the information only in respect of mode and date of acquisition of the flats/garages. Before dealing with the question of penalties the following order is passed:

...4/-

ORDER

The Appeal is allowed. The Respondent No. 1 to provide the information at point No. 1 to 10 and in respect of item No. 11 and 12 as observed above. The Respondent No. 1 to provide the information within the period of 20 days from the receipt of this order and report compliance on 19.10.2009.

Pronounced in the open court on this 11th day of September 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

