

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 56/2009

Mr. Domic Rosario Fernandes,  
R/o H. No. 667, Calvaddo,  
Navelim, Salcete – Goa- 403707.

..... Appellant.

V/s.

1. Public Information Officer,  
The Executive Engineer IV,  
Electricity Department,  
Aquem, Margao – Goa.

2. Public Information Officer,  
Village Panchayat Navelim,  
Salcete – Goa.

..... Respondents.

Appellant present in person.

Adv. J. R. Serrao for Respondent No. 2 present.

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

(Per Afonso Araujo)

The Appellant in the request dated 27/01/2009 sought the information under the Right to Information Act, 2005 (for short the RTI Act) from the Public Information Officer, Electricity Department, Margao and required certified copy of the application for electrical connection of Mr. Socorro Fernandes, Navelim and also a copy of the NOC submitted by him from V.P. Navelim for the electrical connection.

2. The Public Information Officer, Executive Engineer, Margao by communication dated 11/02/2009 stated that the records are not traceable in the office of Sub-Divisional Officer. Not satisfied with this reply, the Appellant preferred First Appeal on 23/03/2009 and by order dated 20/04/2009, the First Appellate Authority directed the Respondent to take consent of the third party and convey the decision whether to give

...2/-

information or not and also directed to transfer part of the information in respect of NOC from Village Panchayat obtained for electrical connection. The Respondent No. 1 on 24/04/2009 transferred the application dated 27/01/2009 to the Block Development Officer, Margao and in turn on 28/04/2009, the Block Development Officer transferred the request of the Appellant dated 27/01/2009 to the Public Information Officer, Village Panchayat Secretary of Navelim. On 19/05/2009, the Respondent No. 2 addressed a letter to the Appellant requesting to specify the details in order to search the required documents and by communication dated 26/05/2009, the Respondent No. 1 stated that Shri Socorro Fernandes, Navelim, the third party, in his letter dated 7/5/2009 has objected to the disclosure of the information furnished by him and it was decided not to disclose the information sought by the Appellant. Aggrieved by this decision, the Appellant preferred this Second Appeal.

3. Shri Fernandes stated that he sought the information on 27/01/2009 was not provided and on order of the First Appellate Authority dated 28/04/2009 also the information was not provided and when it was transferred to the Secretary Village Panchayat the information was denied as the third party objected for giving the information. Shri Serrao submitted that the Respondent No. 1 replied on 11/02/2009 that the information is not available in records and based on the order of the First Appellate Authority, the information sought was transferred to Respondent No. 1 and that the appeal filed is premature and being a third party information, the Respondent No. 2 could not give the information.

4. I have gone through the records and proceedings of the case and taken into consideration the submission of both the parties. In the request

dated 27/01/2009, the Appellant required the certified copy of the application for electrical connection of Socorro Fernandes and copy of NOC submitted by him from Village Panchayat Navelim. Initially, the Respondent No. 1 did not provide the information to the Appellant on strength that the same was not available in the records of the Respondent No. 1. It is in the order of the First Appellate Authority, the question of third party information arose and direction was given to the Respondent No. 1 to transfer the application to Respondent No. 2. In pursuance of the order of the First Appellate Authority and on transfer of the request for information, Respondent No. 2 denied the information on the reasoning that the third party Socorro Fernandes has objected the disclosure of the information.

5. The mere fact that the Appellant sought the certified copy of the application of Socorro Fernandes in respect of his electrical connection, it cannot be considered to be a third party information. No doubt that the third party's views will have to taken into consideration and decide whether the information should be disclosed or not but if in the public interest outweigh the interest of the parties, the Public Information Officer has to disclose the information regarding the third party. The application for electricity connection and the NOC issued by the Village Panchayat are part of the records of the Village Panchayat and it cannot be considered as confidential and as such the Appellant is entitled for such information sought.

6. Now question is whether after the receipt of communication dated 26/05/2009 denying the information on the ground that the third party objected such disclosure, whether Appellant should have first exhausted

the remedy by filing the First Appeal rather than filing immediately the Second Appeal. No doubt that it is in the order dated 20/04/2009 that the First Appellate Authority directed the Respondent No. 1 to transfer the application and considered it as third party information. After all the grievance of the Appellant is in respect of not providing the information to his request dated 27/01/2009, initially by letter dated 11/02/2009 wherein the Respondent No. 1 stated that the records are not available and thereafter by letter dated 26/05/2009 of the Respondent No. 2 stating that the third party objected such disclosure. There was no need on the part of the Appellant to again approach to the First Appellate Authority as the information was denied on both the replies dated 11/02/2009 and 26/05/2009 of the Respondent No. 1 and the Respondent No. 2 respectively.

7. Since the information sought cannot be considered as third party information, the Appellant is entitled for the information in the letter dated 27/01/2009. Hence, the following order: -

### **ORDER**

The Appeal is allowed. The Respondent No. 2 to provide the information in the request dated 27/01/2009 within 20 days from the receipt of the order and report compliance on 30/11/2009.

Pronounced in the open court on this 28<sup>th</sup> day of October, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



