

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 299/SIC/2008

Shri Somnath M. Sawant,
H. No. 347, Goljuem, Corjuem,
Aldona, Bardez – Goa.

..... Appellant.

V/s.

Public Information Officer,
Village Panchayat Secretary,
Aldona, Bardez – Goa.

..... Respondent.

Appellant in person.

Adv. Vivek Rodrigues for the Respondent.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by referring to his previous requests and replies thereto of the Respondent, sought information under the Right to Information Act, 2005 (for short the RTI Act) by request dated 2/08/2008 and which pertains to construction of compound wall by Vasundhara Parab and mentioned at points 1 to 7.

2. As the Respondent did not decided the request dated 2/08/2008 within the time limit, the Appellant preferred the First Appeal and by judgment and order dated 10/12/2008, the Respondent was ordered to furnish the information pointwise as per his letter dated 02/08/2008 from the 7 days from the date of passing the order. On 23/12/2008, the Respondent provided the information sought. Not content with this information provided, the Appellant preferred this Second Appeal with the prayer to provide the information and impose penalty for not providing information within the prescribed time limit.

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3. Shri Sawant stated that there was a delay in providing the information to his letter dated 02/08/2008 as well as non-compliance with the order of the First Appellate Authority and that there were two contradictory replies filed earlier by the Respondent about the revised plan and the information sought was not provided by the Respondent. Shri Vivek Rodrigues submitted that the answer to the question of revised plan was in the negative and that the said Parab was directed by the letter dated 22/02/2008 of Town and Country Planning Department to produce revised plan and that some questions are in the form of opinion and that all the information was provided by letter dated 23/12/2008.

4. I have gone through the records of the case and submission of both the parties.

5. The information which was sought in the request dated 02/08/2008 pertains to the compound wall constructed by one Vasundhara Parab and the Appellant requires revised plan; whether the said Parab complied with the conditions of licence; whether the work is carried as per the approved plan; whether the construction was approved by the Town and Country Planning Department. Though the Respondent did not decide the request of the Appellant dated 02/08/2008 within the prescribed period of 30 days, the information sought was provided on 23/12/2008 after the order of the First Appellate Authority. It may be pointed out here that the Appellant is seeking the information pertaining to the compound wall of the said Parab by letters dated 18/01/2008, 27/02/2008, 10/03/2008 and the Respondent provided the information in the replies dated 19/02/2008 and 18/03/2008. Infact the information sought on 02/08/2008 has reference to the replies of the Respondent dated 19/02/2008 and

18/03/2008 and the Respondent by providing the information in his communication dated 23/12/2008 has furnished the Appellant the information sought.

6. Since the information sought by the Appellant is in respect of the revised plan which the Village Panchayat has directed the said Parab to submit, in pursuance to the letter No. TPVZ/394/Corjuem/187/5/08/626 dated 22/02/2008 of Town and Country Planning Dept., Mapusa, the question of providing the copy of the revised plan to the Appellant does not arise unless the said Parab has submitted such revised plan. There is no question of any delay on the part of the Respondent in providing the information sought as right from 18/01/2008, the Appellant is pursuing the required information on the construction of compound wall by the said Parab and the reply was provided on 19/02/008. Again the Appellant sought information on 27/02/2008, 10/03/2008 and reply was provided on 18/03/2008. On those replies dated 19/02/2008 and 18/3/2008, the information was sought by the Appellant on 2/8/2008 and the information provided by the Respondent in communication dated 23/12/2008, meets the requirements to the information sought and as such there is no question of any delay. Hence, the following order: -

ORDER

The Appeal is dismissed.

Pronounced in the open court on this 17th day of November, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

