

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 31/SCIC/2009

Shri Prabhakar S. Yende,  
Kesar Vaddo, Khorlim,  
Mapusa Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Chief Officer,  
Mapusa Municipal Council,  
Mapusa – Goa

... Respondent No. 1

2) First Appellate Authority,  
The Directorate of Municipal Administration,  
Government of Goa,  
Collectorate Building, Panaji-Goa

... Respondent No. 2

Appellant through his authorized representative Shri Shetye.  
Respondent No. 1 in person.

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

(Per Afonso Araujo)

The Appellant in the request dated 15.01.2009 sought information under the Right to Information Act, 2005 (for short, The RTI Act) and it is as follows:

“(1) As per your letter No. EST/7887/08 dated 08/12/08 at Sr. No. 4 you have informed that recently you have issued notice to Shri Prabhakar Yende Stall No. 15/245. Please provide certified copy of this notice to me.

(2) Please provide certified copies of all the documents regarding Stall No. 15/245 including original lease deed agreement, trade licences as and when issued to this Stall

...2/-

No. 15/245 and each and every copies of letters issued to the original lease holder of this Stall No. 15/245.

(3) Please provide certified copies of all the letters and any other documents on your records regarding Stall No. 15/245 received from the original lease holder or received from any other person on behalf of the original lease holder.

(4) Please provide the criteria of allotment of this Stall No. 15/245 to Shri Prabhakar Yende followed by M.M.C.

(5) Please inform me the exact location of this Stall No. 15/245 according to the site plan of market.

(6) What was the monthly rent fixed by M.M.C. for the Stall No. 15/245.

(7) What is the present status of payment of rent of this Stall No. 15/245, i.e. since when it is pending and how much rent is due from this stall?

(8) Who has received your notice issued to Stall No. 15/245 in the name of Shri Prabhakar Yende.

(9) How you have sent this notice to him, i.e. orally or in writing? Through post or through messenger."

2. The Respondent No. 1 by communication dated 06.02.2009 provided the information to the item No. 1 to 9 of the request dated 15.01.2009. Not satisfied with the information provided the Appellant move the First Appellate Authority and by order dated 13.04.2009 the Respondent was directed to make available parallel record within a period of ten days from the date of the order. As the Respondent No. 1 did not comply with the directions of the First Appellate Authority this Second Appeal was preferred.

3. The Respondent provided the information at serial No. 1, 5, 8 and 9. In respect of information at Sr. No. 6 the information was provided stating that the rent was fixed at Rs. 439/- and as per rules the rent is increased 10% after every three years and to the item No. 7, the information was provided by stating that Rs. 14,435/- rent is due from October 2006 excluding enhancement of 10%.

4. The information sought at Sr. No. 2, 3 and 4 pertains to the lease agreement, licence, letters or any documents pertaining to stall No. 15/245. To this information sought, the Respondent in communication dated 06.02.2006 stated that only the register regarding allotment of stall is maintained, and a Xerox copy of the register book was provided to the Appellant. In respect of other documents such as lease agreement it is stated that the same is not found available/traceable in the office record and will be made available after obtaining the same from Mr. Prabhakar Yende who is the lease holder of stall No. 15/245. Perhaps this last averment, led the Respondent No. 1 state before the First Appellate Authority that in the absence of a particular file parallel record available in the office will be made available to the Appellant and accordingly the First Appellate Authority directed the Respondent to make available the parallel record. By making available the parallel record the Respondent can provide the information at Sr. No. 2, 3 and 4 specially lease agreement executed between Prabhakar Yende and the Mapusa Municipal Council. It is strange that the Appellant who is none than the lease holder of stall No. 15/245 does not have any lease agreement, as a matter of fact, any document

pertaining to the stall which he has taken on lease way back in 1972. The name of Appellant figures in the register books of allotment of stalls, and also indicates the payment of rents to the Municipality right from the year 1972 and it is not understood how the Appellant is not aware of this lease and only in the year 2009 awakes and seeks information under the RTI Act.

5. Since the information sought at Sr. No. 6, 7, 8 and 9 in the request dated 15.01.2009 has been provided by communication dated 06.02.009, the Appellant with whatever documents he has, to approach the Respondent No. 1 to enable the Respondent No. 1 to provide information at Sr. No. 2, 3, and 4. With these observations, this appeal is disposed off.

Pronounced on this 01<sup>st</sup> day of December, 2009.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**