

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No. 96/SCIC/2009

Sanjay S. Ghatwal,
Flat No. FO-1, Block 2A,
Milroc Temple Towers,
Merces – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.
2. First Appellate Authority,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.

..... Respondents.

Appellant in person.

Respondent No. 1 also in person.

Respondent No. 2 is represented by an authorized representative Shri
Mandar Shirodkar.

J U D G E M E N T **(18-12-2009)**

1. The Appellant, Sanjay S. Ghatwal, has preferred this Second Appeal praying for a direction to furnish information and for action against the Public Information Officer.

2. The brief facts leading to this Appeal is that the Appellant by his application dated 17/07/2009 sought some information as mentioned in the application. The information was under Right to Information Act, 2005 ('RTI' Act for short). After considering the application the Public Information Officer ('P.I.O.' for short) informed by letter dated 12/08/2009 that information sought does not fall within the definition of 2(f) of the Right to Information Act, 2005. Being not satisfied the Appellant herein preferred an appeal before First Appellate Authority

...2/-

('F.A.A.' for short) on 18/08/2009. That the matter was fixed on 10/09/2009 at 4.00 p.m., however, Appellant was not present and F.A.A. passed the order upholding the decision of P.I.O.

Being aggrieved by the said Order, the Appellant has filed this Appeal.

3. Respondents resist the appeal and their reply is on record. It is the case of the Respondents that Orders passed were just and proper and that appeal is to be dismissed.

4. Heard the Appellant as well as Respondent No. 1 and Shri Mandar Shirodkar on behalf of the Respondent No. 2.

I have carefully gone through the records of the case and also considered the Orders passed. Information asked is regarding lists of parties, allotment of plots etc. According to P.I.O. as well as F.A.A. the information sought does not fall within the definition of 2(f) of the R.T.I. Act. Section 2(f) is as under: -

"2(f) "Information" means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held, in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force".

The word 'any material in any form' would mean any material concerning the affairs of the Public Authority such as decision, action, plan

or schedule, copy of any part of the file, copy of relevant correspondence etc. From the scheme of the act and perusal of the objects and reasons for enacting R.T.I. Act it is apparent that Government desires to establish a practical regime of right to information of citizens to have access to information under the control of public authorities.

5. During the course of the arguments Respondents state that information sought is with various departments. The Respondents also stated that he Appellant can take inspection of the relevant files from the concerned departments and point out what he wants and they will furnish the same. This submission is just and fair. The Appellant on his part is agreeable to this suggestion and states that he is satisfied with the same.

6. It transpires that some information is with Dy. General Manager (Adm.) who is looking after Estate Division and also allotment of plots and also with Dy. General Manager (Engineering). Since the Respondents are willing to provide the information and Appellant is agreeable, I pass the following order: -

ORDER

The Respondents to give inspection of files to the Appellant within 15 days from the receipt of the Order. Dy. General Manager (Adm)/A.P.I.O. who is looking after Estate Division and also allotment of plots to co-operate in giving files/information to the concerned. This information is to be given within 15 days of the request of the Appellant.

The Appeal is accordingly disposed off.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

