

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Complaint No. 22/SIC/2009

Dr. J. Victor De Souza,  
Annevilla Povoacao,  
Moirá, Bardez,  
GOA – 403 507

... Complainant

V/s.

Public Information Officer,  
Village Panchayat, Moira,  
Bardez-Goa – 403 507

... Opponent .

Complainant in person.  
Opponent absent.

Dated: 12.01.2010

**ORDER**

By request dated 22.04.2009 the Complainant sought information under the Right to Information Act, 2005 (for short ‘The Act’) in respect of Occupancy Certificate for a licensed housing project which is complete and incomplete mentioned at Sr. No. 1 to 7 in the said request. The Opponent by communication dated 08.05.2009 provided the information required.

2. Not content with the information provided at Sr. No. 5 to the request dated 22.04.2009 the Complainant preferred the First Appeal and by order dated 10.07.2009 the First Appellate Authority directed the Opponent to furnish correct information within five days. The Opponent in compliance with this order, by letter dated 17.07.2009 provided the information to the query at Sr. No. 5 stating that the information is not available in the records maintained by the Village Panchayat. Aggrieved by this decision the Complainant chose to redress his grievance by way of Complaint rather than prefer Second Appeal. No doubt that the Complainant had a choice either to file a complaint or prefer Second Appeal but proprietary required that the Complainant ought to have filed Second Appeal once there is an order of the First Appellate Authority. The prayer in this complaint is that the Opponent be directed to furnish correct information at point No. 5;

...2/-

strict action against the Opponent for furnishing false information and recommend disciplinary action against the Opponent for abusing his powers as Secretary of Village Panchayat.

3. The information sought in the request dated 22.04.2009 pertains to the Occupancy Certificate issued by the Village Panchayat and the request at Sr. No. 5 the Complainant requires the Sections and rules including Amendments and Guidelines and provide a transcription of the same under which the Sarpanch. V.P. Moira has issued letter No. VP/Moi/F./Occ-Cert/2008-2009/1405 dated 16.01.09 to the Health Officer, Primary Health Centre, Aldona and the Assistant Engineer, S.D.III, Div.V-Bldg (N) requesting for NOC/approval of Residential Building 'B' Block in Sy. No. 72/15 in Povoacao, Moira, when the Residential Complex comprising 29 flats is still incomplete.

4. The Opponent replied to this query by providing copy of the guidelines issued by Directorate of Panchayats by which the Sarpanch can issue forwarding letters to the concerned Department. The First Appellate Authority came to the conclusion that this information provided was wrong and directed the Opponent to furnish the correct information with the observation that the Opponent should specifically provide precise information pertaining to the issue only. In fact the question at Sr. No. 5 refers to the letter of the Public Authority of Village Panchayat addressed to the Health Officer, Primary Health Centre for issuance of NOC for the Occupancy Certificate and the Complainant is entitled to know under what provisions of law or rules such NOC was sought from the Health Officer for the purpose of issuance of Occupancy Certificate. The Opponent, in pursuance of the order of the First Appellate Authority by answering the question at Sr. No. 5 and stating that information is not available in the records maintained by the Village Panchayat, has not answered specifically the question of the Complainant. The question is specific in reference to the letter of the Village Panchayat addressed to the Health Officer and the Opponent ought to have answered specifically which he has not done and answered in a casual manner stating that information is not available in the records of the Panchayat. Before dealing with the question of penalty it will be proper that the Opponent specifically provide the information

to the question at Sr. No. 5 by specifically referring to the letter No. VP//Moi/F./Occ-Cert/2008-2009/1405 dated 16.01.09 addressed to the Health Officer.

5. The Opponent to provide the information at Sr. No. 5 within the period of twenty days from the receipt of this order and report compliance on 08.02.2010.

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