

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 33/2009

Mr. Keshav Pandurang Digde,
Flat No. 1, Colaco Building,
Mangor Hill,
Vasco-da-Gama

... Appellant.

V/s.

- 1) The Public Information Officer,
Town & Country Planning Department, (HQ),
Panaji – Goa ... Respondent No. 1.
- 2) The First Appellate Authority,
The Chief Town Planner,
Town & Country Planning Department,
2nd Floor, Dempo Towers,
Patto, Panaji – Goa ... Respondent No. 2

Shri R. S. Sawant, authorized representative for the Appellant.
Respondent No. 1 in person.

Dated: 21.01.2010

ORDER

In the request dated 07.02.2009 the Appellant sought information under the Right to Information Act (for short, the RTI Act) from the Respondent No. 1 and requires to know the names of various hotels, their addresses who have been given permission/approval to build/construct/operate in Goa from January 2005 to 2008 by the Public authority of the Respondent No. 1 and he requires certified copies of the said permissions/approvals.

2. The Respondent No. 1 in his communication dated 11.0.2.2009 stated that the information sought is not within the definition of "information" and "right to information" as in section 2(f) and 2(j) of the RTI Act and there is no record of information sought catalogued in the manner the Appellant sought and is not available. Not content with this decision the Appellant preferred First Appeal and by order

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dated 16.04.2009 the Respondent No. 2 upheld the decision of the Respondent No. 1 and also on the reasoning that in view of the provisions of section 7(9) of the RTI Act the information need not be provided. Aggrieved by the decision of the Respondent No. 1 and the order of the Respondent No. 2 this Second Appeal is preferred by the Appellant.

3. Shri Naik submitted that under the TCP, approval is must and the Respondent No. 1 must provide the information regarding permission/approval to build/construct/operate the hotels. Shri Nilekani stated that there are no records in the manner the information was sought and there is no permission but NOC in the planning point of view and names of the hotels are not available as the permission is granted for the construction of a building.

4. The request dated 07.02.2009 the Appellant requires to know the names of various hotels with their addresses that have been granted permission. This information sought is not specific as it was pointed out by Nilekani that approval/permission is obtained for the purpose of construction of a building and not for hotel. After the building is constructed, then permission is sought for running hotel or any other purpose. By requiring the information regarding hotels will serve no purpose as there are no records with the Public Authority of Town & Country Planning Department about the construction of hotels but records will be available on the permission/approval for the construction of buildings which subsequently turn out to be hotels.

5. Once any approval is required to be obtained for the construction of a building, the proper course for the Appellant would be to identify the buildings wherein the hotels are being run and then

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seek the information about the permission or approval for construction of those specified buildings. With these observations, this appeal is disposed off.

Sd/-
(Afonso Araujo)
State Information Commissioner