

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 47/SIC/2009

Shri Wilson Coutinho,
R/o. Flat 'C', 2nd Floor,
Old Posh School Building,
Colmorod, Navelim,
Salcete –Goa

... Complainant

V/s.
Public Information Officer,
The Land Acquisition Officer &
The Dy. Collector/SDO,
Margao -Goa

... Opponent.

Complainant alongwith his Adv. Shri R. Almeida
Opponent absent.

Dated: 04.02.2010

ORDER

The Complainant on 02.01.2009 sought information under the Right to Information Act, 2005 (for short 'The RTI Act') and requires the details of calculations in arriving at the amount of Rs. 3,00,000/- as interest on solatium for the land acquired. By communication dated 02.02.2009 the Opponent stated that the file No. LQN/8/71 and LQN/4/75 is not available in the office records. Not content with the reply provided the Complainant moved this complaint with a prayer for initiation of enquiry; direct the Opponent to provide correct and accurate information and action u/s 20 of the RTI Act.

2. It appears that land belonging to the Complainant and his sister was acquired and in a Writ Petition filed, the High Court directed the Acquiring Department to pay interest on solatium. Accordingly, the Land Acquisition Officer paid Rs. 3,00,000/- as interest on solatium. The Complainant sought information under the RTI Act and requires details of the calculations of the Land Acquisition Officer to arrive at the figure of Rs. 3,00,000/-. The contention of the Opponent is that the information is not available and it is related to the file of the year 1975 which is more than twenty seven years old.

3. From the letter dated 17.12.2008 addressed to the to the District & Sessions Judge, South Goa, Margao and copies of which were sent to

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various public authorities such as the Collector of South Goa, Margao, Office of the Advocate General, Panaji, Executive Engineer, PWD, Fatorda and Assistant Engineer, PWD, Baina-Vasco, indicates that the order of the High Court in the Writ Petition is dated 14.06.2004; the cheque by which Rs. 3,00,000/- was paid is dated 25.11.2004. In such circumstances though the relevant file is of the year 1975, the question of payment of interest on solatium arose on 14.06.2004 when the Writ Petition was filed and the payment of interest on solatium was made by cheque dated 25.11.2004.

4. Hence, before dealing with the question of penalty, the Opponent is directed to provide the information which consists of details of calculations to arrive at figure of Rs. 3,00,000/- as interest on solatium, within the period of fifteen days from the date of the order and report compliance on 01.03.2010.

Sd/-
(Afonso Araujo)
State Information Commissioner