

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 23/SCIC/2009

Dr. J. Victor De Souza,
Anne Villa, Povoacao,
Moirra, Bardez – Goa – 403507.

..... Complainant

V/s.

Dr. Pradip Dajekar,
Public Information Officer,
Primary Health Centre,
Aldona, Bardez – Goa.

..... Opponent.

Complainant in person and also with his authorized representative

Ms. Vigilia D'Sa.

Opponent in person.

ORDER

The information sought by the Complainant under the Right to Information Act, 2005 (for short the 'RTI Act') by request dated 22/04/2009 was provided by the Opponent by communication dated 18/5/2009 and since the Complainant considered the information provided is incomplete and incorrect, preferred this Complaint.

2. The information sought at Sr. No. 1, 2 and 3, the Complainant required to know Sections and Rules including amendments and guidelines and with extracts under which the Opponent has issued letter No. PHCA/NOC/Occupancy/09-09/2007 dated 23/01/2009 to the Sarpanch, Village Panchayat Moirra at the time of granting no objection from the sanitary point of view for the Residential Building Block 'B' in Sy. 72/15 in Povoacao, Moirra when the Residential Complex comprising 29 flats was still incomplete and when the revised plan showing the dimensions for the two septic tanks and soak pits and also the soak pits

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for the bath and kitchen waste water was not approved by the authorities.

3. The Opponent by communication dated 18/5/2009 provided the extract of Goa Public Health Act, 1985 (section 9(1) and 29(1)) and Rules, 1986 has answered the query at Sr. No. 1 and the queries at Sr. No. 2 and 3 which were the same, the Opponent stated that there are no Rules by which it is mandatory to insist on revised site plan of the septic tank/soak pit dimensions when the sanitary authority is satisfied of the hygienic conditions.

4. Now the point for the determination is whether the information provided by the Opponent is incorrect and not as the Complainant sought. The entire information sought in the request dated 22/04/2009 centres around the NOC to issue occupancy certificate to the Sarpanch, Village Panchayat Moira by the Opponent pursuant to the letter dated 23/01/2009. According to the Opponent this NOC is issued by the Health Officer or Medical Officer at the time of starting the construction and also at the time of actually occupying constructed residential building. On perusing the said NOC dated 23/01/2009 is issued on the condition that the owner of the newly constructed residential building will not caused nuisance to the surrounding areas, solid liquid waste will be disposed by proper manner and the owner of newly constructed premises will co-operate with the Health and Pollution control authorities whenever they visit for the site inspection and the NOC issued was liable to be withdrawn if the conditions stipulated were not complied with.

5. The questions whether the building was still incomplete (query at Sr. No. 1) or whether the revised plan was not approved by the

authorities (queries No. 2 and 3) are immaterial for the purpose of issuance of NOC by the Health Authorities to the Panchayat. It is for the authorities issuing occupancy certificate that they have to look into the aspect of the building being incomplete and the dimension of septic tank etc. are not in conformity with the revised plan. The concern of the Health Authorities is that the conditions stipulated in NOC dated 23/1/2009 are complied with otherwise by its non-compliance, this NOC can be withdrawn.

6. Since the Opponent issued the letter No. PHCA/NOC/Occupancy/08-09/3007 dated 23/01/2009 based on the provisions of Goa Public Act, 1985 and the Health Authorities are not concerned with revised plan, the information provided by the Opponent in the communication dated 18/5/2009 meets the requirements to the information sought at Sr. No. 1, 2 and 3 in the request dated 22/04/2009. There are no reasons to proceed any further and the Complaint is disposed off.

Pronounced on this 10th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

