

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 50/2009

Shri V. A. Kamat,  
G-1, Ravindra – A,  
Next to Hotel Ameya,  
Opp. St. Inez Church,  
Te. Inez, Panaji – Goa – 403 001.

..... Appellant.

V/s.

1. Public Information Officer,  
Town & Country Planning Department (Head Quarters),  
Government of Goa, Dempo Tower (Second Floor),  
Patto Plaza, Panaji, Goa – 403 001.
2. Public Information Officer,  
North Goa District Office,  
Town & Country Planning Department,  
Government of Goa, Government Office Complex,  
Mapusa – Goa.
3. Public Information Officer,  
South Goa District Office,  
Town & Country Planning Department,  
Government of Goa, Osia Complex (4<sup>th</sup> Floor),  
Margao – Goa.
4. First Appellate Authority,  
The Chief Town Planner,  
Town & Country Planning Department,  
Government of Goa, Dempo Tower,  
(Second Floor), Patto Plaza,  
Panaji, Goa – 403 001.

..... Respondents.

Appellant in person.

Respondent No. 1, 2 and 3 in person.

## **J U D G M E N T**

(Per Afonso Araujo)

The Appellant sought information under the Right to Information Act, 2005 (for short the 'RTI Act') by request dated 25/2/2009 and required total number of NOC/permissions issued for construction/development by Town & Country Planning Department in the State of Goa from July, 2008 till date and also requires the details of each NOC/permission like names of the Applicant; date of application; taluka,

...2/-

village/town/city; survey number; type of construction; built up area; FAR consumed and date of approval.

2. The Respondent No. 1 by communication dated 20/3/2009 provided the information pertaining to the Chief Town Planner, Town & Country Planning Department, Panaji and also transferred the information sought by letter dated 25/2/2009 to the Respondent No. 2 and 3 in order to enable them to decide the request in respect of information pertaining to their respective jurisdiction. By letter dated 16/3/2009 and 26/3/2009 of the Respondent No. 2 and 3 respectively, denied on the reasoning that there is a shortage of staff and it will consume considerable time and is likely to disproportionately divert the resources envisaged under section 7(9) of the RTI Act.

3. Not content with the decisions of Respondent No. 2 and 3, the Appellant preferred First Appeal and the Respondent No. 4 by Order dated 19/5/2009 upheld the decision of Respondent No. 2 and Respondent No. 3 and dismissed the Appeal. Hence, this Second Appeal.

4. The only point for determination is whether the Respondent No. 2 and 3 were justified in denying the information sought on the ground that it would disproportionately divert the resources of the public authority.

5. It is a mandate of section 7(9) of RTI Act that information sought shall ordinarily be provided in the form it has been sought unless it would disproportionately divert the resources of the Public Authority or would be detrimental to the safety or preservation of the record in question. On perusing the request dated 25/2/2009, the Appellant required the number of NOCs/permission issued for construction development in the State of

Goa from 1<sup>st</sup> July, 2008 till date and also requires details of each of the NOC/permissions. The manner the Appellant sought the information is too vast and it covers the entire State of Goa. From the fact that there is a shortage of the staff with the Respondent No. 2 and 3, it indicates that the public authority will be put to undue pressure to provide such vast information spread in entire State of Goa. It may be pointed out that the details like name of the applicant, date of the application, taluka, village/town/city, survey number, type of construction and date of approval will be available in each of the document namely the No Objection Certificate issued by Town & Country Planning Department but information regarding the built up area and FAR consumed which is to be filled up by the applicant to the questionnaire will be difficult to locate. For all purposes, the information sought by the Appellant being too vast and spread in entire State of Goa, it will disproportionately divert the resources of the public authority. There are no reasons to interfere with the Order of the First Appellate Authority. Hence, the following Order: -

**ORDER**

The Appeal is dismissed.

Pronounced on this 17<sup>th</sup> day of March, 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner





