

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 85/2007

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

..... Complainant.

V/s.

1. Public Information Officer,
The Member Secretary,
North Goa Planning and Development Authority,
Archdiocese Bldg., 1st Floor, Mala,
Panaji - Goa.

2. The Asst. Public Information Officer,
North Goa Planning and Development Authority,
Archdiocese Bldg., 1st Floor, Mala,
Panaji - Goa

..... Opponents/Respondents.

Complainant in person.

Adv. H. Naik for Respondents.

ORDER

The grievance of the Complainant is that the Respondent No. 1 did not comply with the Order of this Commission dated 10/01/2008 passed in Appeal No. 18/2007-08/NGPDA.

2. The information which was sought under the Right to Information Act, 2005 (for short the 'RTI' Act) by the Complainant on 19/2/2007, the query at Sr. No. 1 regarding number of development permissions granted under the Draft Revised Development Plan (to be referred as "the Revised Plan") from 8/9/2006 till date, the Respondent No. 1 replied in the communication dated 16/3/2007 stating that the number of development permissions granted under the Revised Plan for Panaji and which was adopted by a resolution taken in the meeting held on 21/9/2006, was 287 number. To the query at Sr. No. 2 in respect of details of the development permission including the name of developers

...2/-

and the area in which they fall and to the query No, 4, wherein Complainant requires certified copies of development permission from 08/09/2006 till date under the Revised Plan, the Respondent No. 1 called the Complainant for inspection and then for collection of information on payment of the actual cost which can be in several thousand rupees.

3. The Complainant preferred the First Appeal and by Order dated 12/4/2007 the First Appellate Authority directed the Respondent No. 1 to furnish the information sought at Sr. NO. 1 to 4 and informed the Complainant the cost of the information. The Respondent No. 1 on 30/4/2007 requested the Complainant to collect the information after making a payment of Rs.192/-. The Complainant preferred the Second Appeal and by Order dated 10/1/2008, this Commission dismissed the Appeal and directed the Respondent No. 1 to give information on payment of cost to the Complainant. In compliance of the Order, the Respondent No. 1 on 29/1/2008 provided the information to the Complainant.

4. The contention of the Complainant is that the Respondent No. 1 deliberately misled the Complainant while answering the query at serial No. 1 and stating that the number of permissions is 287, whereas in the reply dated 30/4/2007, the Respondent No. 1 stated that the number of permissions was 48. On the other hand, the Respondent No. 1 states that the Public Authority has issued development permissions under the Revised Plan only from 21/09/2006 and not from 8/9/2006 as contended by the Complainant and the Respondent No. 2 by giving the figure of 287 has included other disposed applications and matters not covered

under the time framed and mentioned by the Complainant when infact the Public Authority issued only 48 development permissions under the Revised Plan.

5. Apart from the fact that this Commission in the Order dated 10/1/2008 did not grant the prayer of the Complainant to provide the information free of cost, the reply of the Respondent No. 1 dated 30/4/2007 wherein the number of development permission was mentioned as 48, was dealt in the said Order as well as the prayer of the Complainant for penalties for giving incorrect information. This Commission observed that punishing the Public Information Officer is not objective of the RTI Act and that no malafide could be attributed to the Respondent No. 1 and rejected the prayers to punish the Public Information Officer.

6. Since the Respondent No. 1 provided the information on 29/1/2008 in compliance of the Order of this Commission dated 10/1/2008 and there is no material on record indicating that the Respondents deliberately provided incorrect and incomplete information, there are no reasons to proceed further and the Complaint is disposed off.

Pronounced on this 22nd day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

