

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 69/SCIC/2008

Mr. Siddesh Ramesh Naik,
H. No. 91, Bhatulem,
Panaji – Goa

... Complainant

V/s.

The Commissioner,
Public Information Officer,
Corporation of the City of Panaji,
Panaji – Goa

... Opponent .

Complainant in person.
Adv. Shri B. Prabhudessai for the Opponent.

Dated: 23.03.2010

ORDER

The Complainant by request dated 06.10.2008 sought information under the Right to Information Act, 2005 (for short 'The RTI Act') and requires certified copies of Occupancy Certificate, License and Approved plan of the house bearing Chalta No. 1-P, P.T. Sheet 125 owned by one Shri Ganpat Naik, r/o. Bhatulem, Panaji-Goa in which there exists his residential house which consists of ground plus first floor.

2. On 03.11.2008 the Opponent addressed a letter to the Complainant for the clarification on the information sought in the request dated 06.10.2008. The Complainant on 07.11.2008 and in reference to the letter of the Opponent dated 03.11.2008 for the purpose of tracing the licence plan of Shri Ganpat Naik, submitted old Xerox copy of (1) licence No.406/78-79 dated 08/03/1979, (2) licence No. 20/97/75/94-PMC/94-95/55 dated 29/3/95, (3) licence No. 194/75-76 dated 07/11/1975. The Appellant preferred First Appeal on 20.11.2008 and on 01.12.2008 the Opponent informed the Complainant that the file pertaining to the construction is not traceable inspite of the efforts to trace the same. The First Appellate Authority by order dated 06.01.2009 took into consideration the letter of the Opponent dated 01.12.2008 and directed the Opponent to build a parallel record and provide the information within the period of

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thirty days from the date of the Order. As the Opponent did not comply with the orders of the First Appellate Authority this present Complaint.

3. The information sought by the Complainant is in respect of the Occupancy Certificate and approved plan of the house bearing Chalta No. 1-P, P.T. Sheet 125 owned by one Ganpat Naik. The Opponent initially called the Complainant for some clarification which the Complainant by 07.11.2008 provided copies of licences. The Opponent did not reply to the information sought and after the Complainant preferred First Appeal on 20.11.2008 the Opponent by letter dated 01.12.2008 stated that the file pertaining to the construction is not traceable in the office records. In fact this reply provided by the Opponent is vague and the Opponent should have been specific in this regard and not merely state that the file is not traceable. Even the First Appellate Authority in his order dated 06.01.2009 observed that the Opponent has given a standard reply that the file is not traceable. The Opponent ought to have been more specific in this regard so that taking into consideration that the possibility of the file not being found an FIR was required to be lodged before the Panaji Police Station. Similarly, an enquiry also was required to be held on this missing file so as to place the responsibility on the persons responsible for keeping the files. The Complainant when the Opponent called for clarification even produced some Xerox copies of old licences so as to enable the Opponent to locate the documents required by the Complainant. For these reasons the First Appellate Authority even suggested to build parallel records and provided the information sought to the Complainant.

4. Right from the time the information was sought on 06.10.2008 to the expiry of period of thirty days from the date of the Order of the first Appellate authority on 06.01.2009 prima facie indicates that there was a delay and the information was not provided by the Opponent. Before a show cause notice is issued and also order an enquiry on the missing file, it will be proper that the Public Information Officer is directed :

(1) to provide the information sought in the request dated 06.10.2008 within the period of twenty days from the receipt of the Order.

(2) file an FIR before the Panaji Police Station in respect of the missing file and,

(3) build parallel records on this file with the documents provided by the Complainant in his letter dated 07.11.2008.

The Opponent to report compliance on 16.04.2010.

Pronounced on this 23rd day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

