

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 115/SIC/2009

Mr. Pradeep S. Raikar,  
Khursawado, Assagao,  
Bardez – Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Secretary,  
Village Panchayat of Assagao,  
Assagao,  
Bardez – Goa

... Respondent No. 1.

2) The First Appellate Authority,  
Block Development Officer (I) of Bardez at Mapusa,  
Mapusa,  
Bardez – Goa

... Respondent No. 2.

Appellant alongwith Adv. V. S. Parab.  
Respondent No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

In the request dated 15.05.2009 under the RTI Act pertaining to the constructions carried by one Carol Elizabeth Ashbey in the property bearing Survey No. 188/3 of Village Assagao, the Appellant requires the following information:

- 1) Whether any construction licence for construction of residential house, compound wall, well is issued to the said Ashbey from the year 2002 till date.
- 2). If the reply is in the affirmative to furnish copies of construction licence and Occupancy Certificate.

2). The Respondent No. 1 by communication dated 12.06.2009 in regard to point No. 1, stated that the construction licence has been issued to Mrs. Carol Elizabeth Ashbey for residential house and compound wall and in respect to point No. 2 it is stated that the records of the Panchayat have been checked and the information is

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not traceable. Not content with the decision of the Respondent No. 1, the Appellant preferred First Appeal and the First Appellate Authority by Order dated 31.08.2009 based on letter produced by the Respondent No. 1 which was sent to the Vigilance Department, directed the Respondent No. 1 to make the copies available within twenty days. As the Respondent No. 1 did not comply with this Order the Appellant preferred this Second Appeal.

3). Though in the reply to the information sought at Sr. No. 1 of the request dated 15.05.2009, the Respondent No. 1 has stated that the licence has been issued to one Carol E. Ashbey, the information sought at Sr. No. 2 which is the Appellant requiring the construction licence and Occupancy Certificate, the Respondent No. 1 stated that no such information is available. The Respondent No. 1 produced an extract of the Register of Building Permission wherein at Sr. No. 9 in the column of Owners Name it is written 'Carol E. Ashbey' and in the column Nature of Construction it is written 'Construction of house and compound wall' and in the column Date of Completion of House Structure, it is stated 'Vigilance Department'. The contention of Shri Parab is that there are over writings on the extract produced by the Respondent No. 1 and it is doubtful that the file is gone to the Vigilance Department and considering the earlier reply of the Respondent No. 1 it is wrong information for which penalty should be imposed on the Respondent No. 1. In fact in the reply dated 12.06.2009 the Respondent No. 1 has stated that the information at Sr No. 2 is not traceable and subsequently on 31.07.2009 in the reply before the First Appellate Authority the Respondent No. 1 stated that relevant file has been handed over to the Vigilance Department. Besides, in the extract produced of the Register of Building Permission there are some over writings in the numbers mentioned in the column of 'Sr. No.' Before dealing with the penalties to be imposed it would be proper that the Respondent No. 1 provide the information at Sr.No. 2 which is copies of Construction Licence and occupancy Certificate of Carol Elizabeth Ashbey

With these observations the following order:

**ORDER**

The Appeal is partly allowed. The Respondent No. 1 to provide information at Sr. No. 2 of the request dated 15.05.2009 to the Appellant within the period of twenty days from the receipt of this Order and report compliance.

Pronounced on this 31<sup>st</sup> day of March, 2010.

**Sd/-  
(Afonso Araujo)  
State Information Commissioner**