

# **GOA STATE INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 49-A/2006/CTP

M. L. Ahuja  
Son of Shri M. R. Ahuja  
Residing at # 07,  
Caculo Housing Colony,  
Miramar, Panaji – Goa.

..... Appellant.

V/s.

1. Public Information Officer  
The Member Secretary,  
Planning & Development Authority (North Goa),  
Panaji – Goa.
2. First Appellate Authority  
The Chief Town Planner,  
Planning & Development Authority (North Goa),  
Panaji – Goa.

..... Respondents.

## **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

**Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)**

Dated: 03/01/2007.

Appellant in person.

Respondent No. 1 and 2 are represented by Adv. Irshad Agha.

## **ORDER**

This disposes off the second appeal dated 6<sup>th</sup> November, 2006 which was a combined appeal against CCP and the above Respondents. The appeal has been split up into 2 appeals and the present second appeal dispose off the Appellant's grievances against Respondents herein.

2. The facts, in brief, are that the Appellant by his letter dated 10/5/2006 requested for information on 6 points in the matter of the construction of Mariot hotel, Panaji and nuisance being caused by them to the Appellant who is staying nearby. Soon after the receipt of the application, the Respondent No. 1 by his

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letter dated 22/5/2006 requested the Appellant to submit the relevant details of the approval granted by his office to enable him to issue the required information. Not satisfied with this reply, the Appellant approached the CTP, who is Respondent No. 2 herein, under Section 6 of the Right to Information Act (for short RTI Act). The Respondent No. 2 refused to entertain the said letter as a first appeal and instead transcribed the provisions of the Sections 6 and 7 of the RTI Act.

3. The contention of the Appellant is that the question raised by him are clear enough for the PIO to understand and to reply and that the letter dated 5/7/2006 addressed by him to the Respondent No. 2 should be treated as first appeal, though correct sections of the RTI Act are not mentioned therein.

4. On issuing notices, both the Respondents have put in their appearance and also through their Adv. Shri Irshad Agha. They also filed their Affidavits in reply, by the Respondent No. 1 on 18/12/2006 and Respondent No. 2 on 14/12/2006. In their replies also they stated the same points mentioned above, namely, that the application for request is not clear about the specific information available with the Respondent No. 1 and that the letter of appeal is not a memo of appeal.

5. We have gone through the statements and the appeal memo. There is some substance in the contention of Respondent No. 1. However, the questions no. 1 and 2 could have been replied by the Respondent No. 1 because the application is about the construction of the Mariot hotel within the jurisdiction of the Respondents and the request is about the supply of copy of approval if any of the hotel project by the Respondent No. 1 and the conditions if any imposed by Respondent No. 1 before recommending or rejecting the construction and grant of occupancy certificate by the competent authority. Even if the Respondent No. 1 did not scrutinize construction plans of the hotel project and did not recommend/is not required to recommend the grant of occupancy certificate they should have said so by Respondent No. 1 in the first instance instead of asking more details from the Appellant. Similarly, on other points also, he should state whatever information is available with him.

6. As to the first appeal before the Respondent No. 2 is concerned, we agree that no proper appeal has been filed before him and no relief as such could have

been granted by him to the Appellant. Accordingly, we are not inclined to take up the penalty proceedings as requested by the Appellant. However, the Respondent No. 1 is directed to furnish the information on whatever points of the request for information dated 10/5/2006 is available to the Appellant within the next one week from this order. The appeal is, therefore, partly allowed.

(A. Venkataratnam)  
State Chief Information Commissioner, GOA.

(G.G. Kambli)  
State Information Commissioner, GOA.