

# **GOA STATE INFORMATION COMMISSION**

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

Appeal No. 31/2006/MMC

Guiri S. Pai Raikar  
Sr. Citizen,  
R/o 21 Galaxy Apartments,  
Cine Vishant Road, Aquem,  
Margao - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
Chief Officer,  
Margao Municipal Council,  
Margao - Goa.
2. The Director of Municipal Administration  
& First Appellate Authority,  
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: 23/11/2006.

## **ORDER**

The Appellant by his request dated 20/3/2006 approached the Respondent No. 1 for supply of plan of Ground Floor of building called Galaxy Apartments in Margao. He had also referred to his various requests made earlier in this regards. He enclosed a number of reminders sent to the Respondent No.1, Respondent No. 2, Chief Secretary and the Governor on this matter.

2. The Margao Municipal Council has given information and the documents including plans of the same building of the first, second and third floors but could not give the plan of Ground Floor. They have informed by their letter dated 10/4/2006 that Ground Floor plan is not available with them. The Appellant, thereafter, moved the Respondent No. 2 by appeal dated 5/8/2006. The appeal stood disposed off by the Respondent No. 2 by his order dated 9/10/2006 directing Respondent No. 1 to furnish the information to the Appellant. The Appellate Authority's order is not on record. However, a letter

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dated 10<sup>th</sup> October, 2006 of the Addl. Director of Municipal Administration to the Under Secretary of this Commission is on record to this effect. The Respondent No. 1 did not remain present before the First Appellate Authority. The second appeal is filed before us on 12/9/2006 after the statutory time limit for the disposal of the first appeal. Notices were issued to all the parties.

3. The Respondent No. 1 submitted is Affidavit-cum-reply on 17/10/2006 reiterating that the Ground Floor plan is not available with the Municipal Council and hence they cannot give it to the Appellant. They have also made an effort to obtain a copy from the South Goa Planning & Development Authority (SGPDA) of Margao, which replied that the records were destroyed by their office as it is more than 20 years old. The Respondent No. 1 has further informed that Ground Floor plan, which was with the Municipal Council, was initially submitted to the Civil Court of Margao and thereafter it was forwarded to the High Court in second appeal. Neither the Municipal Council nor the Appellant are parties before the Hon'ble High Court. Therefore, they cannot even request for the copy of the plan from the Hon'ble High Court. Finally, they expressed their inability to give the required documents to the Appellant. The Appellant, thereafter has requested this Commission itself to obtain the copy of the plan from the High Court and give it to him.

4. We find from the records that the Respondent No. 1 has made diligent efforts to give the information. Infact, he has done so of whatever information is available with him. This particular document could not be given only because it is not available with the Respondent No. 1 at the moment. We accept the statement of the Respondent No. 1. We are also not able to give any directions either to Respondents or to the Under Secretary of this Commission to obtain a certified copy from the Hon'ble High Court in order to give to the Appellant. We, therefore, dismiss the second appeal. We also set aside the order dated 9/10/2006 of First Appellate Authority directing the Respondent No. 1 to give the document.

Pronounced in open Court on 23<sup>rd</sup> November, 2006.

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

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