

# **GOA STATE INFORMATION COMMISSION**

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

Appeal No. 36/2006/ELECT

J. T. Shetye  
H. No. 35, Ward No. 11,  
Khorlim, Mapusa - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
Office of the Asst. Engineer,  
Electricity Sub - Div. I (U),  
Mapusa - Goa.
2. The Chief Electrical Engineer,  
& First Appellate Authority,  
Electricity Department,  
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: 30/11/2006.

## **ORDER**

The Appellant by his application dated 10/5/2006 asked Chief Electrical Engineer at Mapusa to provide information regarding electricity connections to the illegal houses in ward no. 11 and 12 of Mapusa. The Asst. Engineer of Electricity Department of Mapusa replied to him on 16/5/2006 to call on him for joint inspection of the site as he was not clear about which houses the information was asked by the Appellant. Subsequently, a joint inspection took place but the Asst. Engineer did not give any information to the Appellant. The Appellant, thereafter, wrote to the Chief Electrical Engineer at Mapusa complaining that his earlier application was not replied. He had also enclosed a Demand Draft of Rs.10/- to the second application dated 23/6/2006 made to the Respondent No. 1. He filed the first appeal to the Chief Electrical Engineer at Mapusa on 27/6/2006. Thereafter, he filed the second appeal to this Commission on 17/8/2006.

...2/-

2. Notices were issued to both the Respondents and they filed their replies separately and also appeared in person in response to the notice. The Appellant was not present on the date of the final arguments.

3. The Respondent No. 1 who is the Asst. Engineer at Mapusa submitted that he is not the PIO and that the fee of Rs.10/- was not paid and though he has accompanied the Appellant in joint inspection, he could not locate the case papers in his office pertaining to the connections in ward no. 11 of the houses inspected by him alongwith Appellant. The second Respondent who is the First Appellate Authority mentioned that the Appellant has not preferred the first appeal before competent authority. Though the Chief Electrical Engineer is the Appellate Authority, his office being at Panaji and not Mapusa, the first appeal is not filed before the competent authority. He submitted that the appeal is filed in the name of CEE at Mapusa is not an appeal. Both the Respondents styled their replies as preliminary objections and have not mentioned their reply on merits. They have also stated that the replies are in the form of Affidavit however they were not sworn before any competent notary or Magistrate or an oath's Commissioner.

4. The main point is whether the Appellant has approached the correct authority for information. Under Section 6 (1), the application has to be addressed to the PIO of a Public Authority. If it is not addressed to the correct PIO it is to be forwarded to the PIO of the concerned Public Authority within 5 days under Section 6(3) of the Act. If an application is made to an officer in the same Public Authority other than the PIO, it is to be forwarded to the PIO concerned in the same Public Authority though there is no specific provision to that effect. The Respondent No. 1 while stating that he is not the PIO, he did not mention what action he has taken to forward the application to the PIO or who is the PIO. In any case, his objection that the application is not made to the proper authority has to be rejected as he has taken cognizance of the application and made efforts to give the information and corresponded with the Appellant to visit his office and also made a joint site inspection alongwith the Appellant.

5. After the joint site inspection, when the information required by the Appellant is clear to him, he is bound to give the information asked for. In the second application to the Respondent No. 1 on 23/06/2006, the Appellant had

enclosed a Demand Draft of Rs.10/-. He has also submitted the sketch of the houses and the survey numbers and P. T. sheet number of the property in which the houses are located which have been given the electricity connections. The names of the occupants staying in the houses are also given. It is, therefore, clear that the documents giving connections to the houses in Chalta No. IP/117 of P. T. sheet No. 94 of Mapusa city at ward no. 11 should be available with the Department. Finally, the arguments taken by the Respondent No. 1 that these are old connections and the papers are not available is not acceptable. He has to make further efforts to reconstruct the records and make due inquiries so that a proper record is available in respect of all legal electricity connections given by the Department.

6. Similarly, the First Appellate Authority, namely the Respondent No. 2, cannot take the plea that there is no appeal before him simply because the address of his office is mentioned as at Mapusa. It is not denied that he is the First Appellate Authority. He has also come to know of the appeal, therefore, he had to have taken cognizance of the appeal even though it is not properly addressed to him. The address is only for the purpose of receiving the letters and once it is already received by him, there is no question of taking the plea that it is not properly addressed.

7. The Commission, therefore, allows the appeal and directs the PIO of the Department having jurisdiction of Mapusa Sub-Division to construct the records and give the information within 15 days from the date of this order.

Pronounced in open Court on 30<sup>th</sup> November, 2006.

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

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