

GOA INFORMATION COMMISSION

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

Appeal No. 102/2007-08/MMC

Shri. Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, Santa Cruz – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Margao Municipal Council,
Margao - Goa.
2. First Appellate Authority,
The Director of Municipal Administration,
Collectorate Building, Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 18/04/2008.

Appellant present in person.

Adv. G. N. Agni represented Respondent No. 1.

Additional Director of Municipal Administration represented the Respondent No.2.

ORDER

This disposes off a second appeal filed by the Appellant on 26th November, 2007 alleging that the information requested by him to the Respondent No. 1 on 14/09/2007 was not given to him inspite of the order dated 13/11/2007 of the first Appellate Authority, Respondent No. 2 herein. In fact, it is the case of the Appellant that incorrect and incomplete information to his request was furnished by the Municipal Engineer of the Margao Municipal Council who is neither the Public Information Officer nor the Asst. Public Information Officer. Even after he brought this to the notice of the Respondent No. 1 by another letter dated 10th October, 2007, no proper reply was given by the Public Information Officer. Hence, he prayed for imposition of fine on the Respondent No. 1 and to pay him compensation in terms of section 19(8)(b) and section 19(9) of the Right to Information Act, 2005 (RTI Act for short).

2. Notices were issued. A reply was filed by the Respondent No. 1 through his Advocate and finally the matter was argued.

...2/-

3. The contention of Respondent No. 1 is that the information was sent to the Appellant on 18/10/2007 by registered post which was acknowledged by the Appellant. As to the reply proper, it was submitted that no construction plan and licences are available with the Margao Municipal Council of the house in respect of which the information is asked. As the house existed prior to 1972 tax assessment was done for the first time by the Margao Municipal Council in 1972. It was revealed further during the course of the hearing that the house actually belongs to the father of the Appellant. This information was signed and sent by post by the Chief Officer who is the Public Information Officer.

4. The Appellant, thereafter, tried to state that the information given to him is about another house in which somebody else was staying but with same house No. 147. It was replied on behalf of the Respondent No. 1 by the learned Advocate that the numbering of the house is done wardwise and it is possible that there could be two houses with the same number in different wards. The information asked for and supplied to the Appellant is in respect of H. No. 147 in ward 5. The paper which is being flashed by the Appellant during the course of hearing is not about the same house as the ward number is missing from the document. Hence, the charge of misleading the Appellant does not hold water. We agree with him and dismiss the appeal as having no merit. Accordingly, imposition of fine on Respondent No. 1 and awarding compensation to the Appellant do not arise.

5. For the above reasons, the appeal is dismissed.

Announced in the open court on this 18th day of April, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner