

# **GOA STATE INFORMATION COMMISSION**

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

Appeal No. 75/2006/Elect.

Mr. Cosmas Jose Pinto  
H. No. 131, Nadora,  
P.O. Colvale, Bardez – Goa. 403 513.

..... Appellant.

V/s.

1. Public Information Officer  
The Superintending Engineer – II (N),  
Electricity Department, Panaji – Goa.
2. The Assistant Public Information Officer,  
The Executive Engineer,  
Elect. (Div. VI), Mapusa – Goa.
3. First Appellate Authority  
Chief Electrical Engineer,  
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: 27/04/2007.

Appellant in person.

Adv. I. Agha for the Respondents.

## **ORDER**

The short point for determination in the second appeal dated 21/1/2007 of the Appellant is whether this Commission as well as other authorities mentioned in the Right to Information Act, 2005 (RTI Act for short) have any jurisdiction to order Respondent No. 3, the Chief Electrical Engineer to shift an electrical pole and overhead electrical line from the property of the Appellant to elsewhere. The brief facts are that on 6/11/2006, the Appellant made a request for information regarding the action taken by the Public Information Officer, Respondent No. 1 herein, on his various earlier complaints on the subject of shifting of the electrical pole in his residential property. This was followed up by

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another request dated 14/11/2006 by way of a reminder wanting to know the names of officers responsible for the "Slip". The Asst. Public Information Officer, Respondent No. 2 herein, has replied on 8/12/2006 to the Appellant pointwise explaining the position regarding the shifting of electrical poles and categorically stating that the Appellant has to follow certain procedure and pay the expenditure for shifting of the line. As the Appellant is not satisfied with the reply, he filed the first appeal before the Respondent No. 3 who has disposed off the first appeal by order dated 17<sup>th</sup> January, 2007 rejecting the appeal holding that the matter is outside the purview of the RTI Act and that the procedure for shifting of electrical line has already been made known to the Appellant.

2. The Appellant represented himself and Adv. I. Agha represented all the three Respondents. In the written statement dated 14/3/2007, the Respondents stuck to their point that the Appellant has to bear the expenditure for shifting of the line and Department cannot oblige the Appellant for doing so free of cost. In the second appeal before us the Appellant raised 5 questions and requested the Commission to provide the answers alongwith "proof". Further, he has also listed 6 prayers in connection that the shifting of the electric pole. For better understanding and appreciation of the reliefs sought by the Appellant, they are reproduced below verbatim.

3. "So the question arises

- (a) When was the pole fixed in the property?
- (b) Whose permission (i.e. owners) was obtained prior to fixing the pole?
- (c) What are the rules or law governing placement of electricity poles and high tension wiring over residential and promimity of residence?
- (d) Who authorized placement of the pole and wiring within two 02.00 metres of my resident house?
- (e) With admitted admissibility of alternative sites why was it not done at the first instance and why demand shifting charges now?"

The reliefs sought are

- "a) Remove the pole and wiring from my residential areas.
- b) Compensation for the damage to my residential house and mango grafts.

- c) Expenditure incurred over the years to various departments in correspondence.
- d) Stoppage of repair work to my house and development in general due to danger posed by the High Tension Wiring over my balcao roof and plots.
- e) Undue harrasment meted out to me over a period of six years.
- f) Compensation of Rs. 1 lac is within the permissible limits.”

3. This is not the forum for furnishing the information as requested by the Appellant. As per the request made before the Public Information Officer, we find that the reply is already given by the Asst. Public Information Officer. We have held earlier that the Asst. Public Information Officer has to only forward the applications/appeals/replies to the Public Information Officer or the Commission and cannot on his own, inform the citizens. To that extent, the reply by the Asst. Public Information Officer directly to the Appellant is not correct. However, this is only a procedural irregularity and does not in any way affect the citizen's/Appellant's rights. We hope that the Asst. Public Information Officer, Respondent No. 2 herein, will not do this in future.

4. We uphold the view of the first Appellate Authority that the relief claimed by the Appellant is outside the scope of the RTI Act. As to the fresh set of questions now posed by the Appellant in his second appeal, the Appellant may approach the Public Information Officer with his list of questions separately, if he so desires. Consequently, there is no merit in the second appeal and is hereby rejected. Parties to be informed.

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

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