

GOA INFORMATION COMMISSION
Ground Floor, "Shrama Shakti Bhavan", Patto Plaza,
PANAJI – GOA

Appeal No. 91/2007-08

Shri Anthony Dias,
"Dias Cottage"
St. Francis Vaddo – Colvale,
Bardez – Goa

... Appellant

V/s

1. The Public Information Officer,
Suptd. Engineer,
Circle – II, Electricity Department,
North Goa, Vidhyut Bhavan, Panaji

... Respondent No. 1

2. First Appellate Authority,
The Chief Electricity Engineer,
O/o the Chief Electrical Engineer,
Electricity Department, Vidyut Bhavan,
Panaji

... Respondent No. 2

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner
(Per G. G. Kambli)

Dated:- 15/01/2008

Appellant absent.
Adv. Shri K. L. Bhagat for the Respondents.

ORDER

This disposes off the second appeal filed by the Appellant against the Order dated 20th September 2007 passed by the Respondent No. 2. The case of the Appellant is that the Appellant by his application dated 18th June, 2007 requested the Respondent No. 1 to inform the Appellant under the Right to Information Act, 2005 (for short the Act), the provision in Indian Electricity Act 1910 which entitled payment of

.....2/-

compensation/lease to land owners on whose land, transmission towers, for the purpose of transmission of Electrical power, are erected. The Respondent No. 1 vide reply dated 13/07/2007 informed the Appellant that, the Appellant is seeking advice which dose not fall within the purview of the Act and hence rejected the request. The Appellant therefore, written another letter dated 20/07/2007 to the Respondent No.1 stating that the advice falls within the definition of information in terms of clause 2(f) of the Act. However, the Respondent No. 1 maintained his earlier decision and informed the Appellant vide letter dated 14/08/2007.

2. Feeling aggrieved by the decision of the Respondent No. 1, the Appellant preferred appeal before the Respondent No. 2 who by his order dated 20th September, 2007 upheld the decision of the Respondent No.1 and dismissed the Appeal. As against this order, the Appellant has filed the present appeal before this Commission on the grounds set out in the memo of appeal.

3. Notices were issued to the parties and the hearing was fixed on 5/12/2007, 28/12/2007 and 7/1/2008. For all these three hearings the Appellant chose to remain absent. The Respondents filed their replies and the arguments of the learned Advocate Shri K. L. Bhagat were heard.

4. The main contention of the Appellant is that the word “advices” falls within the ambit of the definition of “information” as defined in clause (f) of section 2 of the Act. No doubt the “advices” do fall within the meaning of information as defined in clause (f) of the section 2 of the Act. However, the word “advices” referred to in clause (f) of section 2 of the Act are to be constituted as advices obtained by Public

Authority and they are available with the Public Authority. In the present case the Appellant wants to know the provisions of the Electricity Act 1910 under which the persons are entitled to the payment of compensation.

5. The emphasis in the request for information is on the payment of the compensation/lease amount to the land owners by the Electricity Department on whose land the transmission towers are erected. The transmission towers are erected by the public authority and they have to pay the compensation to the affected persons on whose land they construct the towers. If the payment of the compensation is under any other Act other Indian Electricity Act, the Department has to inform the citizen the provisions of that Act under which the compensation is payable. This cannot be termed as advice and information cannot be refused by the Public Information Officer. We, therefore, set aside the impugned order/letters dated 20/09/2007 and 14/08/2007 of both the Respondents and direct the Public Information Officer to furnish the said information within 10 days.

Announced in the open court 15th day of January 2008.

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

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

