

## **GOA INFORMATION COMMISSION**

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

Complaint No. 21/2007-08/VP

Shri Umesh Chopdekar  
Azavedo Building,  
Patto, Panaji - Goa.

..... Complainant.

V/s.

The Public Information Officer,  
The Secretary,  
Village Panchayat of Chorao,  
Chorao, Tiswadi - Goa.

..... Opponent.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 23/10/2007.

Complainant in person.

Adv. Tushan Kunkolikar for Opponent.

### **ORDER**

This disposes off a complaint dated 16/7/2007 alleging that the information asked by the Complainant on 8/3/2007 was not given by the Opponent even after a direction to do so by the Block Development Officer who is the first Appellate Authority. By his request dated 8/3/2007, the Complainant has asked "whether any houses are existing in the property known as 'Cantor of Level' bearing survey No. 11/1 and 12/3 of the village of Chorao near Gavons and if so, inform him the house numbers and since when they were assessed for the house tax". It is the contention of the Complainant that no information was received by him till 10/4/2007 when he filed his first appeal. The Block Development Officer, as first Appellate Authority, promptly passed an order to give the information which was not complied with by the Opponent. The present complaint is made on 16<sup>th</sup> July, 2007 for the execution of the order of the Block Development Officer. On issuing notice, the Opponent has filed a written reply as well as orally submitted that the Complainant was already given this

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information on 7/4/2007 itself asking him to pay fees. He also stated that the Complainant approached with different requests at different times for which he has already given the information wherever possible and he has also taken up the matter with other authorities like Mamlatdar, Land Survey Department etc. for furnishing replies. We are not concerned with all other requests of the Complainant. We specifically, are concerned only with the request dated 8/3/2007 regarding the houses existing in the survey numbers mentioned by him and whether they are assessed for house tax if so since when. It is true that letter dated 7/4/2007 is on record requesting the Complainant to pay the required fees and collect the information which was kept ready. There is no record of having paid the fees or receiving the information. There is also another letter dated 13/6/2007 on the same subject by the Opponent addressed to the Complainant that the information about the houses in survey No. 11/1 and 12/3 is already furnished and the accuracy of the information "may be taken from the concerned authorities such as office of Mamlatdar or Land Survey Department". We do not know how and why the accuracy of the information furnished by the Opponent was questioned.

2. In the written statement filed by the Opponent, the Opponent stated that the appeal is not filed within the limitation and no application for condonation of delay has been filed by the Complainant. It appears that the Opponent has not applied his mind properly. He should have noted that the Complainant has not filed any appeal but has filed the complaint under section 18, 20 and 19(8)(b) of the Right to Information Act, 2005 (for short the Act). The Opponent has also not explained as to how the present complaint is barred by a law of limitation. Hence, we reject this objection raised by the Opponent.

3. The Opponent has also submitted that the information sought by the Complainant was provided vide letters dated 7/4/2007 and 10/4/2007. On perusal of the reply dated 7/4/2007, it is seen that the said reply pertains to the request of the Complainant dated 8/3/2007 and not to the request dated 7/3/2007 which is the subject matter of the present complaint. Similarly, the reply dated 10/4/2007 also does not pertain to the request dated 7/3/2007 and therefore, it cannot be said that the Opponent has provided the information to the Complainant in response to the request dated 7/3/2007. In fact, the Opponent vide his letter dated 13/4/2007 had informed the Complainant that

the information pertaining to the houses in the property surveyed under No. 11/1 and survey No. 12/3 could be obtained from the concerned authorities such as from the office of the Mamlatdar or the Land Survey Department. This clearly shows that the Opponent did not provide the information to the Complainant as per the request dated 7/3/2007. However, the Opponent provided the complete information to the Complainant on 30/8/2007 as can be seen from the written submissions filed by the Complainant after obtaining the information from the Mamlatdar of Tiswadi taluka. If the information was provided to the Complainant earlier, it is not understood as to how now Opponent has provided the complete information. The Opponent in his written reply and additional reply as well as in the written submission has made certain reference to the irrelevant facts which are not at all material for deciding the present complaint. Therefore, we are not discussing the same.

4. Be that as it may, the Opponent has now provided the complete information to the Complainant even though belatedly. However, this being the first case which has come to the notice of the Commission against the Opponent and the Opponent being new in the Government service, the Commission takes lenient view and is not inclined to impose any penalty on the Opponent.

5. The complaint is, therefore, stands disposed off accordingly.

Pronounced in the open court on this 23<sup>rd</sup> day of October, 2007.

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

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

