

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

Complaint No. 30/2007

Mrs. Pauline Rodrigues,
F. No. B/11, Shangrila Appts,
Miramar,
Panaji – Goa

..... Complainant

V/s

1. The Public Information officer,
The Headmistress,
Rosary High School,
Miramar – Goa

..... Opponent No. 1

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

(Per G. G. Kambli)

Dated : 29/11/2007

Complainant in person
Opponent in person

J U D G M E N T

The Complainant vide application dated 21-07-2007 sought the following information from the Opponent under the Right to Information Act 2005 (for short the Act);

1. Certified copies of the permission granted by the Directorate of Education-Panaji for conducting classes in the flats B/1 and B/9 of Shangrila Apartments.
2. Certified copy of the complete Lease/Rental agreement between Rosary High School Miramar and Shri. Casmiro Correia, owner of the Flats B/1 and B/9

2. The Opponent informed the Complainant vide letter dated 17-08-2007 to attend the Office on any working day between 11 a.m. to 1 p.m., in order to collect the copies of permission granted by Directorate of Education. Regarding the information pertaining to point No. 2 the

...2/-

Opponent refuse the request on the ground that the third party has not agreed to provide copies of the rental /agreements.

3. Aggrieved by the said reply the Complainant filed the first appeal before the first Appellate Authority of the Rosary High School, which the Opponent refused to accept as per the Complainant.

4. The Complainant therefore filed the present complaint before this Commission. The Opponent raised the preliminary objection stating that the Commission has no jurisdiction as no appeal has been filed by the Complainant before the first Appellate Authority. The said preliminary objection was over-ruled by the Commission by Order dated 25th October 2007.

5. On merits the Opponent submitted that no specific permission was granted by the Directorate of Education to run the classes in Shangrila Apartments. As regards the lease agreements the Opponent submitted that there exists the agreements between the Landlord and the School in respect of flat No. B/1 but the Opponent doesn't have either original or copy thereof. The Opponent has also further submitted that the school does not have either original or copy of the agreement in respect of flat No. B/9 on the second floor of Shangrila Apartments. The Opponent further submitted that the lease period is expired but the same has been mutually, renewed, orally.

6. It will be seen from the above that the Opponent admits that there exists an agreement between the Landlord and the School in respect of flat B/1 and therefore it is difficult to believe that neither the original nor copy of the lease agreement is available with the School. The Landlord must have given on lease both these flats on certain terms and condition.

7. Initially the Opponent informed the Complainant that the Landlord had objected for giving the copies under section 8(j) on the Act. The Opponent has failed to establish that copies of the agreement fall under section 8(j) of the Act. If the agreements were not available with the Opponent, the Opponent could have informed the Complainant in the beginning itself. Therefore the plea was taken by the Opponent that neither original or the copies of the agreements are available with the School is after thought in the reply filed by the Opponent before this Commission the Opponent has not justified as to how the information is sought by the Complainant regarding the lease agreements falls under section 8(j) of the Act.

8. We therefore cannot accept the contention of the Opponent that either original or the copies of the agreements are not in the possession of the Opponent. Hence, the following order:

ORDER

The Appeal is allowed. The Opponent is directed to furnish copies of the lease agreements executed between the Opponent and the Landlord in respect of flats B/1 and B/9 of Shangrila Apartments, within 15 days from the date of the order.

Announced in the open court on 29th November 2007

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

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