

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

**Complaint No. 36/2007-08/**

Mr. Angelo D'Souza,  
351, Ruzaivaddo,  
Santa Cruz – Goa.

....

Complainant.

V/s

1. The Public Information Officer,  
Collectorate of North Goa,  
Panaji – Goa.

....

Opponent

**CORAM:**

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

(Per G. G. Kambli)

Dated: 20/02/2008.

Shri Tarzan D'Costa learned Adv. for the Complainant .

Shri Anand Gaude, U.D.C represented for the Opponent.

**O R D E R**

This is the Complaint filed against the Opponent under section 18 of the Right to Information Act 2005 (for short the Act).

2. The case of the Complainant is that the Complainant vide his application dated 27/07/2007 requested the Opponent to provide certain information in respect of the property bearing Sy. No. 68/1 of Calapur village. As the Complainant did not receive any information within the stipulated period of 30 days, the Complainant has filed the present Complaint praying, interalia, that the Opponent be directed to provide the information forthwith, that the Opponent be penalized @ of Rs. 250/- per day commencing from 28/08/2007 till the date of providing the information, that an inquiry be initiated against the Opponent and the Opponent be directed to pay the compensation/cost to the Complainant.

...2/-

3. The Opponent filed the reply stating that the Opponent vide letter dated 31/08/2007 provided information in response to the application dated 27/07/2007. The Opponent also informed the Complainant that the file pertaining to the issue of certificate in the office of the Collectorate was not traceable inspite of the efforts.

4. During the course of the hearing, this commission directed the Opponent to remain present along with the relevant documents on 05/12/2007. On 05/12/2007 the learned Advocate for the Opponent was asked to peruse the records as produced by the Opponent and seek further necessary information. The Opponent was also directed to carry out search of the relevant file from the Office of the Collectorate and produce the same before this Commission on 09/01/2008. On 09/01/2008 the Opponent submitted that the file from the Collectorate Office could not be traced but, the file of Mamlatdar of Tiswadi is traced and available. The Opponent also submitted that the Complainant will be provided the information from the file of the Mamlatdar of Tiswadi and hence the matter was fixed for hearing on 25/01/2008 on which date the Opponent filed his reply. Hence, the matter was posted for hearing on 05/02/2008. On 5/02/2008, the argument of both the parties were heard.

5. The learned Adv. for the Opponent drew our attention to the information provided by the Opponent in respect of the property bearing Sy. No. 74/1 and submitted that the Complainant sought the information pertaining to the property bearing Sy. No. 71/4 and not 74/1. The Representative of the Opponent who was present at the time of hearing could not clarify whether it was a typing error. Subsequently, the Opponent filed an application stating that it was a typing error and the said Sy. No. be read as 71/4 instead of 74/1. In the said clarification dated 05/02/2008 the Opponent has further clarified that no additional path way was shown with the demarcated area of 606 Sq.mts. The Opponent further stated that the plan at page 49/C in the file has been cancelled and correct plan is at page 81/C.

6. It will be seen from the above that the file in the office of the Collector (North) Goa is not traceable and the opponent has made efforts to trace the file from the office of the Mamlatdar of tiswadi and the Complainant has now been provided with the information though belatedly beyond the period of 30 days. We do not find any malafides on the part of the Opponent or that there was a deliberate attempt by the Opponent to withhold disclosure of information. As such, we are not inclined to grant the prayer of the Complainant to impose penalty or recommend disciplinary proceeding against the Opponent. In the result we pass the following order.

**O R D E R**

Since the information is already provided to the Complainant by the Opponent as per the direction of this Commission, we close the proceeding. The prayer of the Complainant to impose penalty, and or to recommend disciplinary proceeding against the Opponent are rejected.

Announced in the open Court on 20<sup>th</sup> day of February 2008 at 11.00a.m.

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

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