

GOA STATE INFORMATION COMMISSION

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Appeal No. 285/2021/SCIC

Shri Uday M. Rege,
R/o. AG-3, Shelter Apartments,
Haveli, Curti, Ponda-Goa 403401.

....Appellant

V/s.

1. The Chief Town Planner (Planning)
cum First Appellate Authority,
Town and Country Planning Department,
Dempo Towers, 2nd Floor, Patto Plaza,
Panaji-Goa. 403001

2. The Public Information Officer-4 ,
Town and Country Planning Department,
Dempo Towers, 2nd Floor, Patto Plaza,
Panaji-Goa. 403001

3. The Public Information Officer,
Town and Country Planning Department,
Bicholim Taluka Office, Bicholim-Goa. 403504

....Respondents

Shri. Viswas Satarkar, State Chief Information Commissioner

Filed on: 12/11/2021

Decided on: 04/01/2024

FACTS IN BRIEF

1. The Appellant, Shri Uday M. Rege, R/o. AG-3, Shelter Apartments, Haveli, Curti, Ponda Goa vide his application dated 03/05/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought following information from the Public Information Officer (PIO), The Town and Country Planning Department, Panaji-Goa.

“Under the provisions of the Right to Information Act, 2005. Kindly provide me the following information:

1. Certified copy of APPROVED LAYOUT PLAN OF Bicholim Industrial Estate (Phase I and Phase II).”

2. The PIO of Town and Country Planning Department, Panaji Goa has transferred the said application to the office of the PIO, Town and Country Planning Department Bicholim, Goa on 01/06/2021, under section 6(3) of the Act.
3. Since said application was not responded by the PIO within stipulated period, deeming the same as refusal the Appellant filed first appeal before the Chief Town Planner, Town and Country Planning Department, Panaji-Goa on 15/06/2021 being the First Appellate Authority (FAA).
4. The FAA by its order dated 09/08/2021 directed the PIO, Town and Country Planning Department, Bicholim-Goa to make attempt to procure the information either from the office of IDC Bicholim or from the office of IDC Head Office at Panaji and provide the information to the Appellant within 8 days.
5. Since the PIO failed and neglected to comply with the order of the FAA, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act, with the prayer to direct the Respondents to provide the information, to impose penalty on the PIO for denying the information and to initiate disciplinary action on Respondents.
6. Notices were issued to the parties, pursuant to which Appellant Uday Rege appeared alongwith Adv. S. V. Sanvordekar, Respondent No. 2 Shri. Sanjay A. Halornekar appeared and filed his reply dated 01/03/2022 the Respondent No. 3,

Shri. Zaidev Aldonkar appeared alongwith Adv. A. P. Mandrekar and filed his reply on 01/03/2022.

7. The Respondent No. 2, the PIO, Town and Country Planning department at Panaji Goa through his reply dated 01/03/2022 contended that, upon receipt of the RTI application dated 03/05/2021 he alongwith his subordinate MTS staff Shri. Mahadev Morajkar, searched the records of the Town and Country Planning Department, Headquarters, Panaji-Goa. He also contended that since the subject matter pertaining to the jurisdiction of TCP Department at Bicholim, he transferred said application to the PIO, Town and Country Planning Department at Bicholim Goa on 01/06/2021.
8. The Respondent No. 3, the PIO, Town and Country Planning Department at Bicholim through his reply dated 01/03/2022 submitted that, upon the receipt of the RTI application from the Respondent No. 2 on 03/06/2021, he made thorough efforts to locate the information. However, inspite of his best efforts he could not locate the information and accordingly by letter dated 22/06/2021 he informed the Appellant that requested information is not traceable in their records.

Further according to the Respondent No. 3, that upon the receipt of the order of the FAA dated 09/08/2021, vide letter Ref No. 21/RTI/ACT/TCP/21/1870 dated 17/08/2021 he sent a letter to the Managing Director, Goa State Industrial Development Corporation, Patto Panaji Goa and field Manager, Goa State Industrial Development Corporation, Bicholim Goa requesting them to furnish the purported information, with intimation letter to the Appellant. Further according to the Respondent No. 3 again on 29/11/2021 he sent a reminder to

the Managing Director Goa State Industrial Development Corporation, Panaji Goa and to Field Manger, Goa State Industrial Development Corporation, Bicholim Goa and ultimately vide Ref No. GIDC/BIE/TCP/209 dated 30/12/2021, the Field Manager of Goa, IDC, Bicholim Industrial Estate, Bicholim Goa, provided the copy of Revised layout plan of Bicholim Industrial Estate duly approved and signed by the General Manager (Engg), and said information has been immediately furnished to the Appellant on 31/12/2021.

9. In the course of hearing on 24/05/2022 Adv. A. P. Mandrekar appeared on behalf of the respondent No. 3 and furnished the copy of Revised layout of Bicholim Industrial Estate, however Adv. S. Savordekar submitted that by his RTI application he is seeking approved layout plan and not approved revised layout plan and therefore he emphasized for original plan. Adv. A. P. Mandrekar submitted that he will try to locate the original plan and matter was posted for compliance.
10. During the course of hearing on 27/06/2022 Adv. A. P. Mandrekar appeared and categorically submitted that, he did his best efforts to trace the layout plan of Bicholim Industrial Estate however he could not locate the plan.
11. It is a matter of fact that information sought is of the approved layout plan of Bicholim Industrial estate (Phase-I and Phase-II) from the office of Town and Country Planning Department. Neither the Appellant nor the Respondents are aware about the exact date of approval, record indicates that Respondents has made several efforts to trace the information and since not available in their records, tried to procure from the office of Goa State Industrial Development Corporation and also from

the field Manager of Goa-IDC, Bicholim Industrial Estate Bicholim, Goa. And eventually after receiving the revised layout plan of Bicholim Industrial Estate same is shared with the Appellant. In the background of the above fact, I find that there is no malafide denial of information by the Respondents. As far as the RTI Act is concerned, the PIO can only facilitate in providing information to citizen which is available with the Public authority in material form. Since the information sought is not available with the Respondents. The question of giving any direction to furnish the same does not arise.

12. It is also pertinent to note that the Appellant is seeking the copy of Approved layout plan of Bicholim Industrial Estate at Bicholim, Goa. Though said plan is approved by the Town and country Planning Department some 30 years back said plan is not pertains to the Public authority or is in exclusive control of the Public authority. In the background of this fact, there exist a reasonable ground to believe that said plan is not available in the records of Public authority. However, there is evidence showing that the efforts were made by the Respondent's in securing said information. In such a situation I find no intentional denial of information by the Respondents.
13. Since all the parties remained absence continuously for long time, I find no reason to keep the matter pending, consequently the proceeding is closed.
 - Pronounced in the open court.
 - Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner