

**THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**CORAM: Shri. Prashant S. P. Tendolkar
State Chief Information Commissioner
Smt. Pratima K. Vernekar,
State Information Commissioner**

Complaintl No. 465/SIC/2010

Shri Radhakrishna Malvankar,
Sailor, Goa Tourism Development
Corporation Limited, Patto,
Panaji Goa.

..... Complainant

V/s.

The Public Information Officer,
Goa Tourism Development Corporation Limited,
Trionora Apartments,
Panaji Goa.

..... Opponent

**Filed on: 24/06/2010
Decided on:26/09/2016**

ORDER

1. The Brief facts of the case are that the complainant Shri Radha Krishnan Malvankar by three separate applications dated 14/09/2009 had sought certain information as stated therein All said applications are in warded in office of Respondent PIO on 30/09/2009.
2. In response to said above three applications , the respondent, vide their letter dated 27/10/2009, 28/10/2009 and 29/10/2009 respectively called upon complainant to collect the copies of the documents of the information sought from their office upon payment of necessaries fees. These replies were not responded to.
3. Complainant preferred first appeal before the First Appellate Authority and the FAA vide order dated 16/3/2010 directed Respondent PIO to provide the information to him.
4. It is further the case of complainant that the order of First Appellate Authority was not complied by the Respondent PIO and being

aggrieved by the action of respondent the present complaint came to be filed on 21/6/2010.

5. After appointment of this commission the fresh notices issued to the parties. Appellant as well as respondent, despite of due service of notice, have opted to remain absent as such this commission had to decide the matter based on the records available in the file.
6. On perusal of the records it is seen that in the reply filed on 09/09/2010 by the Respondent, it is its case that the complainant did not respond to their letter dated 27/10/2009, 28/10/2009 and 29/10/2009 and did not collect the information documents nor made payment of fees. It is further the case of the Respondent that vide their letter dated 9/8/2010 the information was furnished to the complainant with regards to first application dated 14/09/2009 and with regards to other application had issued letter dated 10/8/2010 calling upon the complainant to collect the information on payment of rupees 2/- per page. And pursuant to the same the complainant had collected the information on 12/8/2010 and that it is due to the adamant attitude that the information was not collected.
7. On going through the records the three applications of complaint filed under section 6(1) of the act were in warded on 30/09/09 and were responded by PIO on 27/10/2009, 28/10/2009 and 29/10/2009 calling upon complainant to collect information on payment of fees. The complainant without making any grievance against said response files first appeal.
8. We are unable to understand as to how the first appeal was entertained when there was no cause of action to complainant to file the same as supply of information was volunteered. During the hearing the complainant opted to remain absent.
9. From the above conduct it appears that complainant was either reluctant to pay the fees or else the application was only out of malafides. Even otherwise First Appellate Authority has ordered him to have information after inspecting files, which is also not done by him.

..3..

10. Either conduct of complainant smacks of malafides. No malafides are seen from the conduct of PIO. Hence no complaint can be entertained as no case as required under section 18 (1) a to j of the act is made out.

In view of above we dispose this complaint and the same is dismissed.
proceedings stands closed.

Notify the parties.

Authenticated copies of the Order be given to the parties free of cost.

No further Appeal is provided against this order under the Right to Information Act 2005.

Appeal accordingly disposed Proceeding stands closed. Pronounced in open proceedings.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa

Sd/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

