

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No. 130/SCIC/2014

Shri Nishant G. Sawant,
H.No. 1188,
Mahalaxmi bandore,
Ponda Goa.

..... Appellant

V/s.

1.The Public Information Officer,
Executive Engineer,
O/o The Executive Engineer,
Div XVIII, PWD Ponda Goa.

2. First Appellate Authority,
S.S.W. Altinho Panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 05/12/2014
Decided on: 29/03/2017

ORDER

1. The appellant Shri Nishant Sawant herein filed an application dated 27/06/2014 u/s 6(1) of the RTI Act, 2005 (Act) seeking information by way of inspection. PIO wrote to the appellant on 22/7/2014 thereby offering him inspection of the documents/ records as sought by the appellant.
2. On 1/8/2014 the appellant filed first appeal with Respondent No.2 herein which was finally decided on 26/08/2014 whereby appeal of the appellant was allowed. It is the case of the appellant in a mean time on 14/07/2014, 11/08/2014, 19/08/2014, 09/09/2014, 29/10/2014, 10/11/2014 etc. sent reminder to Public Information Officer to comply with the provision of 6(3)of the act and they failed to do so.

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3. The appellant then approached this commission by way of second appeal on 5/11/2014 on the ground that the Respondent No. 1 PIO has refused to provide him the information sought and thereby the Respondent No. 1 has put the appellant to hardship by not abiding to the provision 7(1). According to the appellant the order of the first appellate authority was also not complied by the Respondent PIO. In this appeal the appellant has prayed for direction to furnish him information free of cost and also prayed for compensation and penalty.
4. Notices were issued pursuant to which parties appeared. Respondent No. 1 PIO filed reply on 14/3/2016 and Respondent No. 2 first appellate authority on 11/04/2016.
5. Advocate Aatish Mandrekar representing PIO submitted that his reply filed to the present appeal may be treated as his arguments. Opportunities were given to appellant to file written submission/to argue orally, despite of same he has failed to do so, as such this commission decided to proceed with the matter based on the records available in the files.
6. Respondent No. 1 PIO vide his reply thereby have contended that by letter bearing No. 12/1/2014-15/PWD/Div. XVIII ®/ADM/48 dated 22/07/2014 which was sent by Registered AD. had informed the appellant to inspect the available document during office hours as desired by him with prior appointment and to collect the copies of the selected documents on due payment of Xerox charges. It was also contend by Respondent No. 1 PIO that the appellant was requested to contact (0832) 2313003 for appointment. It is their further case that till date the appellant has not made any attempt to contact their office for appointment to inspect the document. The copy of the letter dated 22/07/2014 and the copy of extract of register wherein entry of cost incurred towards posting of above letter is reflected was enclosed to the reply which are at exhibit 'A'

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and 'B' respectively. It was also further contended that during the hearing before First appellate authority the date of inspection was fixed on 19/08/2014 and the said inspection was supposed to be carried out in the office of Respondent No. 1 PIO, however the appellant visiting the office of the Respondent on the said date denied to inspect the documents which were made available to him for inspection and instead preferred to inward letter dated 19/08/2014 falsely asking to provide the information. It is also the case of Respondent No. 1 PIO that by their letter dated 21/08/2014 they categorically denied the said allegation. Respondent No. 1 PIO further contended that in compliance of the order dated 25/08/2014 passed by Respondent No. 2 in First appeal no. 33/2014, they once again requested the appellant by their letter dated 08/09/2014 to inspect, select and collect the document. A reminder was also sent by Respondent PIO to the appellant on 29/10/2014 once again requesting him to collect information which has been kept ready. It is the case of the Respondent No. 1 PIO information which was kept ready even after several reminders, since appellant failed, they dispatched the same free of cost vide letter dated 03/11/2014, which was containing 52 number of pages consisting of estimated abstract, measurement sheet location plan, technical sanction, Schedule of work, quoted schedules, note for acceptance of tender etc.

7. In a nutshell it is the case of Respondent No. 1 PIO that there was no any delay caused in furnishing information on their part but it was an lapse on part of appellant himself. The Respondent also relied upon their letter dated 12/11/14 addressed to the appellant wherein a reference of other cases were also made where the appellant have failed to carry out the inspection of the records and to collect the copy of document by making payment of necessary xerox charges. Earlier also several appeals of the appellant were decided by holding that PWD had intimated but the same not attended by the appellant.

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Be that as it may be.

Since the intent of the RTI Act is to furnish the information in order to bring the transparency in the Government functioning and since it is specific case of the appellant where there are allegations of not receiving the information, in the interest of justice I am of the opinion that the inspection as prayed by the appellant has to be granted.

In above given circumstances following order is passed;

Order

The appeal is partly allowed.

The appellant is hereby directed to approach the office of the Respondent No. 1 PIO within 15 days from the date of the receipt of the order and to mutually fix the date with PIO for inspection of the records as per the conveyance of both the parties. Respondent No. 1 PIO is hereby directed to give the inspection of the records to the appellant which is sought by him vide his application dated 27/6/14.

Other prayers are not granted.

Notify the parties.

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

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms. Pratima K. Vernekar
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

