

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

Appeal No.12/SCIC/2016

Shri R. Pinto,
F/6 Chamundi Apartments,
Martires Dias Road,
Margao, Road.

..... Appellant.

V/s

1. The Member Secretary,
South Goa Planning &
Development Authority,
4th Floor, Osia Commercial Complex,
Margao –Goa.
2. The Chairman,
South Goa Planning and
Development Authority,
4th floor, Osia Commercial Complex,
Margao –Goa.

..... Respondents.

CORAM

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

Filed on :18/01/2016

Disposed on:27/01/2017

1) FACTS:

- a) The appellant herein by his application, dated 5/2/2015, filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under several points therein.
- b) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No.2.

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- c) The First Appellate Authority (FAA) by order, dated 11/8/2015, allowed the said appeal and directed PIO to furnish the information. In spite of the said order the information is not furnished.
- d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 25/8/2016 had filed a reply to the appeal

2) **FINDINGS**

- a) In the course of hearing the PIO offered to furnish to the appellant the information as was sought by him. Accordingly on 24/8/16 filed on record the copies of the documents as sought by the appellant alongwith another set of the same for the records of the commission. The appellant was required by the commission to report whether the said information was furnished as per his request.

On the subsequent date the appellant remained present and requested time to confirm whether the information as was sought was received by him. However on subsequent dates he remained continuously absent. In spite of several opportunities the appellant remained absent and hence the commission holds that the information as was sought is furnished.

- b) The contention of the appellant vide memo of appeal is that the respondent no.1, PIO has violated the provisions of the act by not furnishing the information in time and as such he should be penalized u/s 20 of the act. We also find prima facie that the PIO has failed to furnish the information

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even after the orders of the First Appellate authority. However before imposing any penalty an opportunity is required to be given to him to explain his version. In the circumstances we pass the following :

O R D E R

The appeal is partly allowed. No intervention of the commission is required for the purpose of furnishing information. Issue notice to the PIO to show cause as to why action as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005, should not be initiated against you returnable on 20/02/2017 at 10.30 a.m.

Parties to be intimated.

Appeal stands disposed accordingly.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

Sd/-

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

