

GOA STATE INFORMATION COMMISSION

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

Penalty 28/2017
In
Appeal No.06/SCIC/2015

Smt. Noelyn Santos,
5-C, Government Quarters,
Patto Colony,
Panaji Goa.

..... Appellant

V/s.

1. Public Information Officer,
Mamlatdar of Bardez,
Mapusa Bardez-Goa.

2. the first Appellate Authority ,
Dy. Collector/SDO,
At Mapusa, Bardez Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 4/08/2017

ORDER

1. This commission ,vide order dated 20/4/17,while disposing the above appeal, had directed the respondent, being the then PIO, to show cause as to why action for imposing penalty as provided in section 20(1) of the RTI Act ,2005 should not be initiated against him for not providing the required information within stipulated time . In view of the said order passed by this commission on 20/4/17, the proceedings stood converted into penalty proceedings .
2. In pursuant to the show cause notice 16/5/17 and 22/5/17 , the Respondent No.1 PIO Shri Dasharat Gawas filed his reply on 15/6/17 and on 20/7/17 .

3. Vide his above replies he has contended that on the receipt of the application dated 21/1/14, he had issued memorandum to the Calangute talathi and since he did not furnish information, one more memorandum was issued to him on 22/5/14 . It is further case of PIO that the said Talathi was in between transferred and new Talathi had joined on his place as such he again issued him fresh memorandum to furnish the required information to him and the Talathi submitted the report only on 30/1/15 . It is further contention that as he was busy with other administrative and time bound work as such the follow up of the information remained pending .It is further case that on receipt of report of Talathi on 30/1/17 , Stating that in mutation case there was no succession deed the applicant was informed vide his letter dated 2/2/15 and then the appellant collected Deed of Gift which was submitted to carry the mutation .
4. For the purpose of considering liability u/s 20(1) of RTI Act , The Honble High court of Bombay , Goa Bench at Panaji in writ petition No.205/2007 ; Shri A.A. Parulekar v/s Goa state Information commission has observed
“ The order of Penalty for failure is akin to action under the criminal law . It is necessary to ensure that the failure to supply the information is either intentional or deliberate ”
5. In the present case , the respondent PIo have tried to justify the delay in providing the information and have tried to establish that there was no malafides intentions on his part for the said delay .
6. I find the explanation given by the pIO is convincing and Probable and as such i find no grounds to hold that the delay in dispensing information was intentional or deliberate .
7. In the facts and circumstances of the present case and considering the explanation of the then PIO , I find no grounds to impose penalty against him . In the result the show cause notice dated 16/5/17 and 22/5/17 issued by the commission in the above appeal stands withdrawn .

Proceedings stands closed.

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.

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