

BEFORE THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.

Appeal No.116/2016

Bharat L. Kandolkar,
Vady, Candolim,
Bardez Goa.

....Appellant

V/s.

- 1. Public information Officer,**
North Goa Planning and Development Authority,
Mala, Panaji Goa
- 2. First Appellate Authority,**
The Chairman,
North Goa Planning and Development Authority,
Mala, Panaji Goa.

.....Respondents

Appeal filed on: 30/05/2016
Decided on: 4/04/2017

ORDER

1. The appellant herein Shri Bharat Candolkar by his application dated 29/12/2016, filed under section 6(1) of Right To Information Act, 2005 sought certain information from Respondent No. 1, Public Information Officer (PIO), O/o of North Goa Planning and Development Authority under several points therein.
2. The said application was not responded by the PIO within time and as such deeming the same as refusal, Appellant filed first appeal before the first Appellate Authority, who is Respondent No. 2 herein on 5/02/2016.
3. The Respondent No. 2 First Appellate Authority (FAA) by an order dated 28/04/2016 allowed the said appeal directed the Respondent No. 1 PIO to furnish the requested information free of cost. In the said order it is also reflected page 2 that Respondent PIO had submitted that the relevant time the application under section 6(1) was made, the case was under scrutiny and as such same could not

be provided. During the hearing before Respondent No. FAA however PIO had volunteered to furnish the same and as such the above order was passed by the FAA.

4. Since Respondent No. 1 PIO did not comply with Order of FAA in spite of specific directions, the complainant approached this commission with the present appeal on 30/05/2016 in terms of section 19(3) under RTI Act with a prayer as against Respondent PIO for furnishing the information and for invoking penal provision.
5. In pursuance to notice the Appellant present in person along with Advocate A. Mandrekar. Respondent No. 1 represented by Shri R. K. Pandita who filed reply on behalf of Respondent PIO on 20/02/2017, thereby enclosing their letter dated 10/02/2017 addressed to appellant wherein point wise information was furnished to the appellant.
6. Arguments of Parties were heard. Considered the records available in the file.
7. It is contention of appellant that, the Respondent PIO has violated the provisions of the Act by not furnishing the information in time as such he should be penalized under section 20 of the Act and also due Compensation has to be awarded to him.
8. The Respondent No. 1 resists the appeal and submits that the public authority did not prepare and maintain action taken report. So also day today progress and status of above referred file, so also did not prepare checklist Panchanama in the said case. Neither the sketch and inspection report was prepared. He has also clarified further that Public Authority does not prepare roznama. Further has also clarified that Mr. Antonio Fernandes of Casa Blanca Beach Resort Candolim have not submitted documents including approved license, plan, title deed, site plan, survey plan to their authority.

9. It was also contended by Respondent No. 1 PIO that information which was available was kept ready to be furnish to appellant on 28.04.16 , but due to inadvertently dealing hand could not sent the intimation letter to the appellant informing him to collect the information. The Respondent No. 1 PIO sought unconditional apology for the said inadvertence. It was further contended by the Respondent No. 1 PIO that in persuant to the direction of this Commission the inspection is done by the appellant on 10/02/17 and the additional documents sought by the appellant after the inspection of the said file is issued by them to the appellant vide their letter dated 10/02/17. In short the Respondent No. 1 PIO have tried to justify the delay and sought for unconditional apology.
10. On perusal of application u/s 6 (1) of RTI Act viza-viz information furnished to the appellant by letter dated 10/02/17 it is seen that Respondent has answered/given information on all points as such this Commission is of the view that no intervention of this Commission is required with regards to prayer 1 and 2.
11. With regards to other Penal prayers, on perusal of records it is seen that the Respondent PIO have not responded in writing to his initial RTI application filed under section 6 (1) of RTI Act, and also not complied with the order of FAA dated 28/04/16. The Act on the part of the Respondent No. 1 PIO is in contravention against the mandate of RTI Act. The said act came to existence to provide fast relief as such the time limit is fixed under said act to dispose the application under section 6(1) within 30 days. The acts on the part of Respondent No. 1 is condemnable. The Respondent herein also failed to take into consideration the intent of RTI Act which came into force.
12. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. He has made to run from pillar to pole, lots of his valuable time is being spent on

seeking the information. If Respondent No. 1, then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.

13. Public Authority must introspect that non furnishing of the correct or incomplete information lands the citizen before FAA and also before this Commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible, therefore some sought of compensation helps in caring this social grief.

14. Since no any supporting documents produced by the Respondent PIO in support of its contention that reply was kept ready on 28/04/2016, and that inadvertently dealing clerk has not sent it to Appellant the Commission at this point of time cannot take the said statement of PIO it as gospel truth. The Respondent PIO ought to have relied upon said letter so also the outward register showing its dispatch number or extract of dealing hand Register or file moment index in support of his said contention. The stand taken by PIO is also not substantiated by affidavit of dealing hand clerk. In the above given circumstances, I find some substance in the contention of the appellant. In the afore said circumstances I proceed to dispose this appeal with the following order :-

ORDER

1. Issue showcause to the Respondent PIO as to why the penal action should not be taken against him for not responding application under section 6 (1) of RTI Act within time and for not furnishing the information.
2. Respondent No. 1. is hereby directed to remain present before this Commission on 12/04/2017 alongwith written submission showing why penalty should not be imposed on him. If no reply is filed by the Respondent No. 1, PIO it shall be deemed that he has no

explanation to offer and further orders as made deemed feet shall be pass.

3. In case the PIO at the relevant time, to whom the present notice is issued, is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO.

Pronounced in open proceedings.

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.

Pronounced in the open court.

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

Fn/-