

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No.150/SCIC/2013

Dr. Kalpana V. Kamat ,
Caldeira Arcade, 1st floor,
Bhute Bhat, Mestawado,
Vasco –Da-Gama, Goa.

.....Appellant

V/s

1. The Public Information officer,
Superintendent of Police (South),
Margao Goa.

2. First Appellate Authority,
Dy. Inspector General of Police,
Panaji Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on:22/10/2013

Decided on:22/1/2018

ORDER

1. In exercise of a right u/s 6 (1) of the RTI Act, the appellant Dr. Kalpana V. Kamat, vide her application dated 27/7/2013 has sought from the PIO of the office of S.P South Goa at Margao the complaints filed against her by Korgaonkar Family, Redkar family, Naik Family, Shanbag family, Prabhu family and by unknown persons alongwith their action taken report. She had also sought the information pertaining to her complaint filed against Korgaonkar and Redkar Family. The appellant had also sought for inspection for the documents .
2. The said application was responded by the Respondent PIO on 23/8/2013 thereby calling upon her for depositing Rs. 24/- for the said information.

3. Being not satisfied with the same reply and as the inspection was not offered to her, the appellant approached the First appellate authority on 28/8/2013 and the First appellate authority by an order dated 7/10/2013 directed the Police Inspector of Vasco Police Station to allow her the inspection of the documents from the Vasco Police Station on 9/10/2013 at 11 hours free of cost and the PIO was directed to issue necessary instructions for complying with the above direction of the order. The PIO was also required to file compliance report to the First appellate authority.
4. Being aggrieved by the action of Respondent PIO, the appellant has landed before this commission on 22/10/2013 in the second appeal u/s 19(3) of the Act on the ground that incomplete and misleading information have been provided to her on 9/10/2013 by the PIO . The appellant in the present appeal has sought for direction as against respondent PIO for furnishing her information and inspection of the documents as sought by her vide her application dated 27/7/2013.
5. Notice of the appeal were issued to the parties. In pursuant to which appellant appeared in person Respondent PIO was represented by Advocate Kishore Bhagat . Compliance report /Reply dated 15/9/2017 filed by Respondent PIO in-incorporating the information and copies of the documents were annexed to said compliance report.
6. The appellant was provided with the copy of compliance report and documents and she was directed to verify the same.
7. On 9/10/2017 appellant filed application thereby submitting that the incomplete information had been provided to her by PIO as

such she was directed to produce sufficient evidence in record substantiating her above stand.

8. On 1/12/2017, the appellant produced on record the copies of some of the complaints which was not furnished to her by the PIO. The copy of the application dated 1/12/2017 alongwith the enclosures were furnished to the Advocate for the Respondent. Opportunity was granted to the Respondent to file rejoinder if any however they did not bother to file any such rejoinder . As such I presume that averments made in the said application dated 1/12/2017 by appellant are not disputed by them.

9. I have gone through the records and also verified the documents furnished to the appellant vide application dated 15/9/2017 vis-à-vis a complaint produce on record by appellant vide her application dated 1/12/2017. It is seen from the records that the complaint filed by Devanand Korgaonkar dated 29/12/2012, 24/1/2013 against the appellant with the Vasco Police and complaint dated 17/7/2012 filed by Bhavika Brides Redkar with the Vasco Police have not been furnished to the appellant by the PIO in the course of the present proceedings. This leads me the prima facie hold that this action of PIO attract penalty u/s 20 of the Act as such I find it appropriate to seek explanation from the PIO as to why penalty should not be imposed on him for providing appellant incomplete information. I therefore disposed the present appeal with order as under;

ORDER

- a) The PIO is hereby directed to provide the complete and correct information to the appellant as sought by her vide her application dated 27/7/2013 within 3 weeks from the date of the Receipt of this order.

- b) Issue showcause notice to PIO as to why no action as contemplated u/s 20(1) of the RTI Act 2005, should not be

initiated against him, for providing appellant incomplete information. returnable on 12/2/2018 at 3.30 pm.

With the above directions , the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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