

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

**Shri Prashant S. P. Tendolkar,**  
State Chief Information Commissioner

## **Complaint No. 37/2018/CIC**

Jawaharlal T. Shetye  
Add. Hno. 35/A, Ward No.11,  
Khorlim, Mapusa Goa,  
403507.

....Appellant

V/s

- 1) Public Information Officer,  
Mamlatdar of Bardez,  
Mapusa Bardez-Goa,  
403507.
- 2) First Appellate Authority,  
The Deputy Collector & SDO Bardez,  
Mapusa Bardez-Goa,  
403507

....Respondent(s)

Filed on: 29/06/2018

Decided on: 23/10/2018

## **O R D E R**

- 1) The fact in brief as pleaded by the complainant herein is that his application, dated 28/03/2018, filed u/s 6(1) of the Right to Information Act 2005 (Act) was not responded by PIO within time. The complainant preferred first appeal before the First Appellate Authority (FAA) on 07/05/2018.

According to complainant the said first appeal was disposed by the FAA on 19/06/2018 directing PIO to provide inspection on the same date and also issue the information free of cost to complainant.

According to the complainant he inspected the records and he was furnished the required information free of cost.

...2/-

- 2) By this complaint the complainant has a request that the PIO having not responded to the application u/s 6(1) of the act within time as stipulated under the act, the commission should invoke its powers u/s 20(1) and 20(2) of the act as also for compensation.
- 3) By notice dated 09/07/2018 PIO was called upon to show cause as to why penalty u/s 20(1) and/or 20(2) of the act should not be imposed on him.
- 4) By his reply, dated 01/08/2018 the PIO has submitted that the information required vide said application, dated 28/03/2018 was ready within time and that the complainant was informed accordingly by the concerned clerk but the complainant failed to remain present to inspect. The PIO confirms that the FAA has passed the order as stated by complainant.

The PIO has further contended that he was on training for two and half months from 09/04/2018 to 18/06/2018 at Old Goa and that there was no malice or wrong intention in not producing information.

The PIO has referred to certain provisions of the act stating that act provides that the information that is available in records be given and not to create information. I am unable to infer in which context the PIO has referred to the said provision. It is nowhere the case of PIO that the information sought was not existing.

- 5) The PIO remained present initially but subsequently failed to remain present personally. Arguments of the complainant were heard as PIO failed to appear on subsequent dates.

- 6) Perused the records. It is the case of PIO that the information was available and was intimated so by the concerned clerk. The PIO has not filed on record copy of any such intimation. The PIO has also failed to remain present for hearing to enable this commission to seek clarification. Such an attitude on the part of PIO is not only decriable but also is required to be reported to the Office of Chief Secretary as it amounts to lack of concern to the Right to Information Act 2005. Moreover in the absence of any evidence to show that any intimation was sent I am unable to accept the said contention of PIO.
- 7) The ground for delay in furnishing the information is attributed by the PIO to his deputation for training from 9/04/2018 to 18/06/2018. The order deputing the PIO for training is filed on record.
- 8) The application u/s 6(1) was filed on 28/03/2018 and within the stipulated period of thirty days PIO was deputed for training. The information is admittedly furnished on 19/06/2018. The delay in furnishing is condonable and cannot be held to be deliberate.
- 9) Considering the above circumstances and with the observations as above. I hereby withdraw the said notice, dated 09/07/2018.

Proceeding closed.

Pronounced in open hearing.

Sd/-  
**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa

