

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Penalty case No.35/2012 in  
Complaint No.182/SIC/2011**

Shri. Subhash B.S. Jetha,  
R/o D-5, Junta House,  
Mapusa Bardez

.....**Complainant**

**v/s**

1. Public Information Officer,  
Administrator of Comunidade  
North Zone,  
Mapusa-Goa.

2. The Registrar/ Attorney  
Comunidade of Verla,  
Bardez-Goa

.....**Respondents**

**Relevant emerging dates:**

Date of Hearing : 05-01-2018

Date of Decision : 05-01-2018

**O R D E R**

1. Brief facts of the case are that this Commission had vide order dated 28/06/2012 in the above matter directed to issue notice to the Respondent PIO, to show cause u/s 20(1) of the RTI act 2005 as to why penal action should not be taken against the Respondent PIO for causing delay in furnishing the information and the explanation, if any should reach the Commission on or before 13/08/2011.
2. The said matter was listed on board on several occasions and pursuant and on 05/01/2018 Respondent former PIO, Mr. Sabaji Shetye then holding the post of Administrator of Comunidades, North Zone, Mapusa and presently posted with ESIS Panaji appears before the Commission and tenders his explanation. It is also stated that there is no delay and the delay, if any is purely unintentional and inadvertent.

3. Mr Sabaji Shetye further submits that the RTI application was dated 22/06/2011 and since the matter pertained to the Comunidade of Verla as such the RTI application was sent to the Clerk of the said Comunidade who vide his letter dated 19/07/2011 furnished the information and which thereafter was sent to the Appellant vide letter dated CNZ/RTIA/114/11-12/169 DATED 21/07/2011 well within the mandated time period. The former PIO files a written statement confirming the facts which is taken on record and requests the Commission to close the penalty proceedings.
4. After hearing the submissions and on carefully going through the explanation tendered, the commission finds that there is no delay and the delay if any is purely unintentional and inadvertent. The very fact that a reply was sent by the PIO bearing no. CNZ/RTIA/114/11-12/169 DATED 21/07/2011 timely goes to prove that there are no malafides on the part of the PIO, to intentionally delay the furnishing of information.

*The High Court of Bombay at Goa, Panaji writ Petition No.704 of 2012 has held in para 6 " the question, in such a situation, is really not about the quantum of penalty imposed, but imposition of such a penalty is a blot upon the career of the Officer, at least to some extent. In any case, the information was ultimately furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay is required to be accepted and in fact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO".*

The Commission accepts the explanation tendered and exonerates former PIO from imposing any penalty. The penalty proceedings in above case accordingly stand closed.

All proceedings in the penalty case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**