

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

Appeal No. : 251/2019/SIC-I/

Mrs. Larissa Martins E Rodrigues,
H. No. 409, Zorulem, Tuem,
Pernem-Goa

..... Appellant

v/s

1. Public Information Officer (PIO),
Electricity Department Div. XVII,
Ansabhat, Mapusa-Bardez, Goa
 2. Superintending Engineer –II (N),
Electricity Department,
Govt. of Goa, Vidyut Bhavan, 2nd floor,
Panjim-Goa
-Respondents

**CORAM: Ms. Pratima K. Vernekar, State Information
Commissioner**

Filed on: 31/07/2019
Decided on: 30/09/2019

ORDER

1. The facts in the present as put forth by the Appellant Mrs. Larissa Martins Rodrigues are as under:-
 - a) The appellant herein by her application dated 24/06/2019 sought certain information from the Respondent No. 1 Public Information Officer (PIO) of the Office of the Electricity Department Division XVII, Ansabhat, Mapusa, Bardez-Goa under 8 points there in .
 - b) The Said information was sought in exercise of appellant's right interms of sub section (1) of Section 6 of Right To Information Act, 2005.

- c) The said application was rejected and returned back to the appellant by the Respondents PIO and when she insisted for reasons in written for_ rejection the PIO reluctantly wrote on the application, " you may mention CA No of the Consumers whose details you need".
- d) Being aggrieved by such an response of Respondent No. 1 PIO and deeming the same as rejection she filed first appeal on 01/07/2019 before the Respondent No. 2 First Appellate Authority (FAA) interms of section 19(1) of RTI Act, 2005. After hearing both the parties Respondent No. 2, First Appellate Authority (FAA) passed an order in Appeal No. 20/2019 on 11/07/2019 thereby issuing direction to Respondent No. 1 PIO to furnish the information to the appellant within a week's time .
- e) On intimation from the Respondent PIO she went to collect the information but instead of providing her information as per directions of FAA, the Respondent No. 1 PIO instead issued her letter dated 19/07/2019 to submit the original application and to collect the information, as such she being aggrieved by the attitude of PIO is forced to approached this Commission by way of second appeal.

2. In this background the present appeal interms of section 19(3) of RTI Act, 2005 has been filed by the appellant on 31/07/2019 with the contention that information still not provided and there by seeking relief and directions to Respondent PIO for providing her requested information and for invoking penal provision against Respondent PIO so also seeking Compensation of Rs. 27500/-.

3. The matter was listed on the board and taken up for hearing. In pursuant to the notice of this Commission appellant was present

along with Shri. Grenvil Dias. Respondent PIO Shri. Shailesh Naik Bhurye was present along with Shri. William Barreto. Respondent No. 2 FAA was represented by Shri. Mallappa Hullalada.

4. Reply filed by Respondent No. 1 PIO and by Respondent No. 2 First Appellate Authority (FAA) on 17/09/2019. The copies of both the replies were furnished to the appellant.
5. In the course of the hearing on 17/09/2019, the Respondent No. 1 PIO showed his willingness to provide the requested information to the appellant free of cost and sought week's time for furnishing the said information to the Appellant.
6. Accordingly the same was furnished to the appellant 23/9/2019. On verification of the said information, the appellant submitted that the same is furnished to her as per her requirements and as per her satisfaction and accordingly endorsed her say on the memo of Appeal.
7. Since now the information have been provided to appellant as per her satisfaction I find that no further intervention of this commission is required for the purpose of providing information and hence the relief sought at prayer (1) becomes infructuous.
8. Arguments were advanced by both the parties.
9. It is the contention of appellant that lots of hardship has been caused to her in pursuing the information which was sought by her to redress her legal remedies. She further submitted that there is delay in furnishing the information and on that ground pressed for the penalty of Rs 250/- per day from the date of the order of respondent No.2 FAA till date of furnishing her information.
10. Respondent PIO submitted that the delay in furnishing the information was not deliberate and intentional. He further submitted that he was under bonafids belief that original RTI applications has

to on record of the Public authority and hence vide his letter 19/7/19 requested appellant to submit original RTI application to them .

11. I have scrutinized the records available in the file and also considered the rival submissions made by both the parties.
12. It is admitted facts by the Respondent that application was returned back to appellant by Assistant Engineer (Technical) with the request to provide C. A. No. Of the consumer whose details were sought by appellant.
13. Section 6 of RTI Act deals with the request for obtaining information and section 7 deals with disposal of request for obtaining information.

As per section 6 of RTI Act, person has to make a request in writing to the PIO of concerned authority as the case may be thereby accompanying such fees as may be prescribed and the information seeker is only required to provide only details that may be necessary for contacting him .

As per Sub section (1) of Section 7 of RTI, Act Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, **either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.**

14. Hence the PIO is required to act within the parameters of section 7(1) of RTI Act, and as such is required either to provide the information or reject the request for any of the reasons specified in section 8 and 9 of the Act. It is not the case of PIO that information sought was exempted in terms of section 8 or 9 of the Act. **Section**

7(1) of RTI Act does not give scope to PIO to return the application back to the information seeker.

15. The Right to Information Act, 2005 is a people friendly Act as such there is provision requiring PIO to render the entire assistance to the information seeker. The PIO ought to have responded the same in terms of section 7 of RTI Act and any clarification if required, could have been sought by him. And hence returning of the application to the appellant in a casual manner without proper application of the mind that too by Assistant Engineer of technical section is not in accordance with law. The PIO was not able to point out the provisions of RTI Act empowering him or other officials to return the request of the information seeker at the time of processing the same. As such a gesture and conduct on the part of the PIO and A.E. Technical was not justifiable. It appears that the Public Information Officer (PIO) and A.E. Technical have not considered the provisions and the intent of RTI Act in a true spirit.

16. The Respondent No. 1 PIO cannot be solely held responsible for the fault of A.E., (Technical) who was instrumental in returning back the application by putting endorsement on the same.

17. On perusal of the order dated 11/7/19 of the FAA, nowhere it is reflected that appellant was instructed to return the original RTI application back to the respondent PIO or that Respondent PIO had brought such a fact to the notice of FAA. Once the direction was there for PIO from his superior officer who was acting as an FAA, the PIO was duty bound to comply the same unless the same were challenged before appropriate forum. There is delay in complying the order of FAA and also in furnishing information. Since there is no cogent and convincing evidence on record attributing malfeasance on the part of PIO and that such lapses on the part of PIO is persistent, by considering this as a first lapse of

PIO, and by subscribing to the ratio as laid down by Hon'ble High court of Bombay ,Goa Bench in writ petition No. 704/12 ,Public authority V/s Yeshwant Sawant, a lenient view is taken in the present proceeding. Respondent No. 1 PIO is hereby admonished and directed to be vigilant henceforth while dealing with the RTI matters and lapses if any found in future would be viewed seriously.

18. The appellant has also sought for Compensation of Rs. 27,500/- . However, beside a mere statement that the loss has been incurred due to filing at different level and also towards inhuman behaviour of all ill treatment meted to her, she has not produced any documents or evidence substantiating her above contention. Hence I am declined to grant the relief sought by the appellant in the nature of Compensation at prayer (3).

19. With the above direction given at Para 17 the appeal 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/-
(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa