

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No:160/2018/SIC-II

Shri. Rabindra A.L. Dias,
Dr. Pires Colony, Block "B"
Cujira, St. Cruz,
Tiswadi-Goa

..... Appellant

v/s

1.The Public Information Officer,
O/o Executive Engineer,
Works Division IX (PHE),
Public Works Department,
Fatorda, Salcete-Goa.

..... Respondents

2.The First Appellate Authority,
O/o Superintending Surveyor of Works,
Public Works Department, Altinho, Panaji.

Relevant emerging dates:

Date of Hearing: 22-01-2019

Date of Decision: 22-01-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 16/08/2017 addressed to the PIO, O/o Margao Municipal Council, sought certain information under Section 6(1) of the RTI Act, 2005. It is seen that the PIO, Margao Municipal Council vide letter bearing No. MMC/TECH/R.T.I./(7061164)/2017-18/5902 dated 23/10/2017 transferred the RTI application to the PIO, Executive Engineer, Work Division IX (PHE) PWD, Fatorda, Salcete-Goa, under section 6(3) of the RTI Act 2005 to furnish information at point Nos. 19, 20, and 21 respectively.
2. It is the case of the Appellant, that no reply was received from the PIO within 30 days and as such a First Appeal was filed on 05/03/2018 and that the First Appellate Authority (FAA) vide an Order dated 05/03/2018 disposed off the said First Appeal by directing Respondent to furnish correct information to the Appellant within 10 days. The FAA had also observed that the Respondent has handed over information to the Appellant during the hearing and that the Appellant wants to go through the information and asked for inspection of the files.

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3. Being aggrieved that despite the Order of the First Appellate Authority, the PIO, has not furnished correct information, the Appellant has approached the commission by way of a Second Appeal registered on 02/07/2018 and has *inter alia* prayed to take action against the PIO by imposing penalty for initially refusing categorical reply and obstructing to furnish information and for disobeying the orders of higher officer and for compensation and for other reliefs.
4. **HEARING:** This matter has come up for hearing before the Commission on three previous occasions and hence taken up for final disposal. During the hearing the Appellant Shri. Rabindra A.L. Dias is absent. The Respondent PIO, Shri. Cleasby Dias, Executive Engineer, Works Div. IX (PHE), PWD is present in person. Shri Deelip Khaunte, Asst. Surveyor of Works, is present on behalf of FAA.
5. **SUBMISSIONS:** At the outset the PIO submits that during the hearing of the first Appeal on 06/02/2018, before the First Appellate Authority all information was handed over to the Appellant. It is submitted that the appellant after receiving the same had stated that he wants to go through the information provided and wants to have inspection of the files and which direction was also given by the FAA to the PIO who agreed to give inspection on 07/02/2018.
6. It is further submitted that vide letter No.PWD-IX/F.1032/2017-18/1579 dated 06/02/2018 the information was provided to the appellant and with respect to information at point No.19 of the RTI application, the Appellant was informed that there was no staff deputed for disconnection on 20/07/2017 and with regard to point No.20, the Appellant was informed that on Monte Hill Margao there is Sub Div- II and Sub Division- IV and not Sub Division – I and finally with regard to information at point No.21 the Appellant was again informed that on Monte Hill, Margao there is Sub Div- II and Sub Division- IV and not Sub Division - I.

7. The PIO argued that if the Appellant was not satisfied with the information furnished, he should have sought clarifications and that whatever the information as was available has been furnished to the Appellant. Regarding the delay caused, the PIO admits that initially no reply was sent to the Appellant within 30 days, however all information was furnished on 06/02/2018.
8. It is explained that the transferred RTI application was received on 07/11/2017 and as the Appellant had sought information in question form, by asking in point No. 19 the names and designation of persons from PWD who were present for demolition on 28/07/2017 during the morning session, as such the PIO had to compile and collect data which took time and this caused the delay of 60 days. It is also explained that the delay is unintentional and there was no malafide intention to deny or delay the information. The PIO files a reply dated 22/01/2019 confirming facts which is taken on record.
9. **FINDINGS:** The Commission after hearing the PIO and perusing the material on record finds that all information was furnished on vide letter No.PWD-IX/F.1032/2017-18/1579 on 06/02/2018 and that the delay of 60 days was due to the fact that the PIO had to compile and collect data to furnish information at point no 19 which took time. The Commission accordingly finds that there are no malafides on the part of the PIO to cause intentional delay and as such exonerates the PIO from levy of any penalty. Consequently, the prayer of the appellant for penalty and for compensation is rejected.

In view that all information has been furnished. Nothing survives in the Appeal case which stands disposed.

All proceedings in Appeal 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