

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

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

**Appeal No.204/2018/CIC**

Shri Cirilo Vales,  
H. No.78, Duncolim,  
Seraulim,  
Salcete -Goa. 403708.

..... Appellant

**V/s**

1) The Public Information Officer,  
The Executive Engineer,  
Works Div.II, WRD,  
Rawanfond Margao-Goa.

2) The First Appellate Authority,  
Superintendent Engineer(CPO),  
WRD, Sinchayi Bhavan,  
Porvorim Goa.

..... Respondents.

**Filed On: 30/08/2018**

**Disposed On: 17/04/2019**

**O R D E R**

1) This appeal of the appellant, U/s 19(3) of The Right to Information Act 2005 (Act), arises out of his application dated 04/06/2018, filed u/s 6(1) of the act. By said application appellant has sought copies of orders placed on various agencies w,e.f 01/04/2018 till date as also inspection of all the works of tender notice, dated 15/05/2018 and w.e.f. 01/04/2018 till date and copies of site location plan and measurements prepared of tender notice 1 of the financial year 2018-19.

Sd/-

...2/-

According to appellant the PIO did not comply with the request of appellant within stipulated time and hence he preferred appeal to respondent no.2 on 12/07/2018. The respondent no.2 issued order on 23/07/2018.

According to him the information furnished by PIO by letter dated 26/07/2018 is incomplete. The appellant has therefore approached this commission u/s 19(3) of the act with a prayer to take cognizance that the PIO has not abided by section 7(1) and 19(9) and to penalize respondent no.1 to compensate the appellant.

2) The PIO filed his reply on 13/11/2018. Vide his said reply it is the contention of PIO that vide its letter, dated 12/06/2018 and a further reminder, dated 28/06/2018 appellant was called upon to collect the information, which he collected only on 26/07/2018 by paying the amount. The copies of such letters are also attached.

It is further contended by PIO that by order dated 23/07/2018 the FAA ordered to fix suitable date for inspection of certain works and a letter was sent accordingly to appellant on 26/07/2018, which accordingly was carried out by the appellant.

In the course of hearing the parties have no dispute that, as on date, the information as was sought, including the inspection of works, was completed. The appellant has also not prayed for any order to furnish information to him. His only prayer is to penalize the PIO and compensate him. In these circumstances I find that no intervention of this commission is required to order information and only the aspect of penalty and compensation is required to be dealt with.

Sd/-

...3/-

- 3) In this appeal it is nowhere the case of appellant that there was refusal by PIO to receive application or denied the request for information or has given incomplete, incorrect or misleading information or has destroyed the information. The only contention of appellant is that the PIO has failed to furnish the information within time.
- 4) Sub Section (1) of section (7) requires the PIO to dispose the request of seeker within 30 days. Disposal of request may result in furnishing of information on payment of fees or rejection of request on grounds as mentioned in sections (8) and/or (9). In the present case the PIO has disposed the request on about 8<sup>th</sup> day by deciding to furnish information for which inspection is offered. In such circumstances I find no violation of section 7(1) of the act or any other grounds as enumerated in section 20 of the act.
- 5) In the course of submissions of the parties it is the contention of the appellant that at serial nos. (2) and (3) of his application he wanted the site inspection and that if the site inspection was offered of point (2) why it was not given for point no.3.

On the other hand the PIO claims that the works at point no.3 were not completed and hence there was nothing at site and hence inspection was redundant. According to him at point no.2 the work was pertaining to a canal which existed, hence inspection could be given.

- 6) Though the appellant has contended in his appeal memo that the information furnished to him vide reply, dated 26/07/2018 is incomplete he has not produced any thing on record to enable this commission to compare as to what is the complete information. The PIO has filed on record copies of certain documents viz. the work orders issued to

...4/-

Sd/-

contractors, wherein most of the works so ordered are to be completed in

October 2018 i.e. after the application u/s 6(1) filed by appellant. Hence I find force in the submissions of PIO that the work was yet to be completed.

- 7) For the purpose of invoking my rights of penalty, the criteria as laid down by the Hon'ble High Court of Bombay is required to be considered. *In Writ petition No. 205/2007, (Shri A. A. Parulekar, V/s Goa State Information Commission and others)* it is observed:

*"11. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."*

- 8) Considering the circumstance as stated above, I find no material to hold that the delay in furnishing the information was deliberate or intentional. Though the application of the appellant u/s 6(1) requires the PIO to furnish certified copies as per the subject therein and thereafter inspection of works, which is thus ambiguous to some extent also has contributed to the delay as is submitted by PIO.
- 9) Considering the above circumstances, I find no grounds to invoke my rights U/s 20 or under section 19(8) of the act to order penalty or grant compensation.
- 10) In the result the relief as prayed for by appellant cannot be granted. The appeal is disposed accordingly.

This order be communicated to parties.

Proceedings close.

Sd/-

**(Shri. P. S.P. Tendolkar)**

Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa

