

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.206/2017/CIC**

Mr. Bharat L. Candolkar,  
Vady, Candolim,  
Bardez-Goa.

..... **Appellant**

**V/s**

1)The Public Information Officer,  
Deputy Collector of Bardez,  
Mapusa, Bardez –Goa.

2)The First Appellate Authority,  
Additional Collector II North,  
Panaji –Goa

..... **Respondents.**

**Filed On: 01/12/2017**

**Decided On: 12/03/2019**

## **O R D E R**

1) In the course of hearing of this appeal, on 27/07/2018, it was submitted by PIO that in view of the ambiguity raised by appellant regarding the information already furnished by him vide letter dated 11/07/2017, it would be appropriated for appellant to inspect the records and thereafter obtain the required copies. Accordingly the parties agreed for a joint inspection of records.

Accordingly the inspection was conducted. However in view of the grievance of appellant regarding the information furnished to him, he was directed to file on record, copies of the information purportedly furnished to him. After inspection of the records, the appellant through his advocate on 06/02/2019, submitted that the entire information is received by him and that he is insisting for the other reliefs as per his appeal.

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Considering the said submission, I find that intervention of this Commission is not required in respect of the relief for ordering of information. Only grounds for considering invocation of penal provisions are required to be considered herein.

- 2) Perused the records and considered the pleadings of the parties. Hon'ble High Court of Bombay, Goa bench at Panaji, while dealing with the scope of penal provision of sections 20(1) and 20(2) of the Right to Information Act 2005(Act) has held that the proceedings in penalty are akin to the Criminal proceedings. Hence for invoking the same under the act the delay in furnishing information should be intentional and deliberate. The said observations is contained in para (11) of the said judgment in following words:

**"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." (Writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others )**

- 3) In the present case by his application u/s 6(1) appellant has sought information with reference to letter No.MAM/BAR/CL-II/8-Point/CRZ/1506/1674/2016/5413. The PIO has furnished certain information vide his reply dated 10/07/2017, which according to appellant was incomplete.

In the course of the first appeal, the appellant has submitted that he has to receive the said information and that he will ask for specific copies of documents after

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inspecting the files. In view of said submissions the first Appellate Authority by its order dated 29/09/2017 has directed the inspection of records by appellant and thereafter appellant was to seek the details of documents.

- 4) It is the contention of appellant at para(7) of the appeal memo that he inspected the records and thereafter sought copies of documents orally, which according to him are not given.
- 5) In the course of this appeal, the ambiguity of information sought was pointed out and again an inspection was conducted and thereafter information was furnished.
- 6) From the above facts and the sequence of events it is evident that the ambiguity/vagueness in the application seeking information has also contributed to the delay. As held by the Hon'ble High Court of Bombay in the case of A. A. Parulekar (Supra), delay being contributory, the same cannot be held as intentional or deliberate on the part of PIO.
- 7) In the above circumstances nothing further remains to be decided. As the delay is not intentional or deliberate, I am unable to invoke any rights u/s 20(1) and/or 20(2) of the Act.

In the result the appeal stands disposed.

Proceeding closed.

Order to be communicated to parties.

Sd/-

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

Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa