

GOA STATE INFORMATION COMMISSION
Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.60/2019/CIC

Master Sousa Leonado Caetano,
S. Bras, Gaundalim, Cumbarjua,
Ilhas Goa 403107.

..... **Appellant**

V/s

- 1) The Public Information Officer,
O/o the Mamlatdar of Tiswadi at Panaji.
Panaji -Goa.
- 2) The First Appellate Authority,
O/o Dy Collector & SDM & SDO Tiswadi,
Panaji.

..... **Respondents.**

Date: 08/11/2019

O R D E R

a) In the course of hearing of above matter on 01/10/2019, PIO submitted that as of said date he has furnished the entire information to appellant. The appellant, who was present, admitted having received the entire information as was sought by him by his application dated 05/02/2018 and that he is insisting for considering the penalty on the PIO.

Considering the above submissions I find that no intervention of the commission is required in respect of the information as sought. It is the only penalty part which remains for the consideration in the present appeal.

b) On going through the appeal memo, it is seen that the appellant has not sought any relief of penalty. He orally insists herein that as the information was not furnished by the PIO he is liable for penalty. The appellant has not made any statement in the appeal memo as to when the order of

Sd/-

...2/-

First Appellate Authority was served on the PIO. It is further noted that the application u/s 6(1) of the RTI Act appellant has sought the inspection of records. As per the reply of PIO inspection was given by Talathi and that appellant has not approached thereafter for copies.

On going through the application it is found that there is an ambiguity in the information sought and lack of clarity as to what he wants for inspection. There is delay in responding the application filed u/s 6(1) of the act. However such a delay itself would not lead to an inference that it was wilful or intentional as held by the Hon'ble High Court of Bombay Goa bench Panaji in the case of A.A. Parulekar V/s The Goa State Information Commissioner & others (W.P. No. 205/2007).

It needs to be highlighted that the PIO has delayed the response which is not in conformity with the provisions of act. Hence PIO is made aware that hence forth he should be diligent in responding the application filed u/s 6(1) of the act.

c) In the above circumstances and by applying the principle of equity, I find no prima facie grounds to initiate any proceedings for penalty u/s 20(1) and/or 20(2) of the act.

With the above directions the appeal stands disposed.

The order to be communicated to the parties.

Proceedings closed.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa