

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No: 21/2019/SIC-II**

Shri Aslino Fernandes,  
H. No. 525, Boutawaddo,  
Assagao, Bardez Goa.  
North Goa – 403507.

**... Complainant**

**v/s**

The Public Information Officer,  
Secretary of Village Panchayat  
of Assagao, Bardez Goa.

**... Opponent**

**Relevant emerging dates:**

**Date of Hearing : 18-11-2019**

**Date of Decision : 18-11-2019**

**ORDER**

1. **Brief facts of the case** are that the Complainant had filed three RTI applications dated 12/12/2018, 15/12/2018 and 20/11/2018. However during the hearing held on 07/08/2019, the Complainant had submitted that he is not interested to pursue the RTI applications dated 12/12/2018 and 15/11/2018 and as such it was decided that the Commission will deal with RTI application dated 28/11/2018 and which information pertains at 21 points.
2. The Complainant *inter alia* is seeking Certified copies of Inward Register under entry no.69 dated 26/04/1997 wherein an application is filed by Mrs. Iris Fernandes for request for transfer of house tax and the application filed by Mrs. Iris Fernandes and of Inward Register under entry no.91 dated 02/05/1997 which is the residence certificate issued to Ricky Fernandes and the application filed by Ricky Fernandes and Certified copy of residence Certificate of Bhagwant Talkatkar under entry No.1 dated 01/04/1998 (Inward Register of the year 1997-1998) and the application filed by him. and Certified copy of Serial no.401 and 402 dated 23/07/1998 of inward register of the year 1997-1998....

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.....which is the application for birth certificate and residence Certificate filed by Mr. Ricky Fernandes and the application filed by the same and Certified copy of Inward Register at Serial No.118 dated 02/05/2014 and the application filed by Mrs. Iris Fernandes and other such related information contained in RTI Application therein.

3. It is the case of the Complainant that no information was furnished by the PIO and as such the Complainant had filed a First Appeal on 07/01/2019 and the First Appellate Authority (FAA) vide an Order dated 06/02/2019 partly allowed the appeal and directed the Respondent PIO to furnish information to the Complainant within 10 days free of cost.
4. Being aggrieved that pursuant to the Order of FAA, the Respondent PIO has furnished information however the same is incomplete and inappropriate, as such the Complainant has thereafter filed a Complaint case with the Commission registered on 27/02/2019 and has prayed to direct the Respondent PIO to furnish information as sought by the Complainant and for cost, penalty, disciplinary action and other such reliefs.
5. **HEARING:** This matter has come up before the Commission on four previous occasions and hence by consent is taken up for final disposal. During hearing the Complainant Shri. Aslino Fernandes is present alongwith his Advocate S. Azgaonkar. The Respondent PIO, Secretary Village Panchayat Assagao is represented by Adv. Duhita S. Haldankar.
6. **SUBMISSION:** The Advocate D. Haldankar for the PIO submits that the information was kept ready and furnishes about ten pages of information documents pertaining to inward register from entry No.69 of which is the information that was sought by the Complainant in his RTI application dated 28/11/2018 before the Commission which is taken on record and one set is given to the Complainant.

7. Adv. D. Haldankar further submits that the PIO did not file a time bound reply in good faith only because the PIO was busy with other panchayat activity and could not find time to reply to the RTI application and that all the information that was available in connection with the said RTI application dated 28/11/2018 has been furnished as per the directions of the FAA.
8. The Complainant submits that he had asked certified copies of inward Register as well as application filed by the respective person and what has been presently furnished are only copies of the inward Register which does not contain any annexure pertaining to the application filed and requests the Commission to direct the PIO to provide such copies.
9. **FINDINGS:** The Commission on perusal of the material on record including the Complainant memo and the ten pages of information document furnished by the Advocate on behalf of the PIO finds that all information as is available has been furnished and the directions of the FAA have been complied.
10. The Advocate for the Complainant has argued that information has been furnished only after directions of the FAA at late stage and that the Complainant was subjected unnecessary inconvenience and expenditure, however the Commission finds that the delay in furnishing information was due to the fact that the PIO was busy with other Panchayat activity and did not find time to reply to the RTI application in good faith and as per Section (21) gets Protection and no action can be taken against him.
11. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to furnish information as is available from the records of the public authority. The very fact that the information of the inward register has been furnished to the Complainant and further that there is no other information available, as such the PIO cannot be at faulted in any way.

12. Never the less as the Complainant has requested for certified copies of the applications filed by different persons as was sought by the Complainant, as such the PIO is directed to once again make a diligent search in the records and furnish this information, if available, within 15 days of the date of the receipt of this Order.

**Nothing further survives in the Complaint case which accordingly stands disposed.**

Consequently the prayer of the Complainant for penalty, disciplinary action, costs stand rejected.

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**