

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

CORAM: Shri Juino De Souza: State Information Commissioner

**Penalty case No. 25/2012 in
Appeal No.222/SIC/2011**

Mr. K.P. Harmalkar,
Susheela Sankul,
BL-A, G-3, Orulem,
Vasco-da-Gama-Goa.

.... Appellant

v/s

Public Information Officer,
Chief Officer,
Mormugao Municipal Council,
Vasco-da-Gama.

....Respondents

Relevant emerging dates:

Date of Hearing : 16-10-2019

Date of Decision : 16-10-2019

O R D E R

1. **Brief facts of the case** are that this Commission had vide an order dated 24/05/2012 in the above matter had directed to issue notice to the Respondent former PIO, to show cause u/s 20(1) of the RTI act 2005 as to why penal action should not be taken against the Respondent PIO for causing delay in furnishing information.
2. **HEARING:** Pursuant to the notice issued, the former PIO Shri. Meghnath Porob, presently posted as Managing Director, Goa Housing Board, Porvorim, appears before the Commission and tenders his explanation.
3. **SUBMISSIONS:** Shri. Meghnath Porob submits that after receipt of the RTI application dt 23/06/2011, he had furnished timely reply vide letter no. MMC/PER/RTI/11-12/110 dated 04/07/2011 informing the Appellant that the Council has not yet adopted the procedure and hence information cannot be furnished at this stage and also another letter no. MMC/PER/RTI/11-12/132 dated 13/07/2011 confirming the same facts. It is also submitted that the order dated 10/08/2011 of the First Appellate Authority (FAA) was complied and information of copies of the Pension pay bills were furnished to the Appellant vide letter no. MMC/PER/RTI/11-12/192 dated 18/08/2011 and which is admitted by the Appellant.

...2

4. Shri. Meghnath Porob finally submits that as there was no delay in furnishing the information and as such requests the Commission to close the penalty proceedings while handing the copies of the information documents which are taken on record.
5. **FINDINGS:** The Commission after hearing the submissions of the former PIO and scrutinizing the material on record including the order passed by the Commission dated 24/05/2012 comes to the conclusion that there was no delay in furnishing the information. In fact the PIO furnished timely reply dated 04/07/2011 informing the Appellant that the Council has not yet adopted the procedure hence information cannot be furnished at this stage and which was followed by another letter no. MMC/PER/RTI/11-12/132 dated 13/07/2011 and which proves the bonafide that there was no malafide intention on the part of the PIO to deny or conceal the information and thus the PIO is not at any fault.
6. The Commission also finds that the PIO has complied with the order dated 10/08/2011 of the FAA and furnished the information as sought by the RTI applicant vide letter no. MMC/PER/RTI/11-12/192 dated 18/08/2011 and which has been admitted by the Appellant.
7. **DECISION:** The Commission accordingly accepts the explanation tendered by the former PIO. In view that there was no delay in furnishing information, the Commission finds no fault and thus exonerates the PIO from levy of any penalty and closes the penalty proceedings in above case.

Pronounced at the conclusion of the hearing. Notify the party concerned.
Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner