

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

CORAM: Shri Juino De Souza: State Information Commissioner

**Penalty No. 33/2019 in
Complaint No.65/SIC/2012**

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward No. II
Khorlim, Mapusa – Goa.

.... Complainant

v/s

1. Public Information Officer,
Mamlatdar of Bardez,
Mapusa – Goa.

2. First Appellate Authority,
Dy Collector & SDO,
Mapusa, Bardez – Goa.

....Opponents

Relevant emerging dates:

Date of Hearing : 23-10-2019

Date of Decision : 23-10-2019

O R D E R

1. **Brief facts of the case** are that this Commission had vide an order dated 24/06/2019 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. Brijesh D. Manerkar, presently posted as State Registrar, cum-Head of Notary Services, Panaji-Goa appears before the Commission and tenders his explanation.
3. **SUBMISSIONS:** Shri. Brijesh D. Manerkar submits that he was posted as Mamlatdar of Bardez, from 05/10/2011 till 30/05/2012 and during this period office was making various arrangements for the ensuing General Election of Goa Legislative Assembly 2012 and thereafter general Village Panchayat Election 2012 and that he was extremely busy during the above period.

4. It is further submitted that the non providing of the information was inadvertent and not deliberate and that there was no malafide intentions on his part to either deny or conceal information. The Former PIO finally submits that due continuous elections the said RTI Application remained unattended and humbly regrets the same and also the inconvenience caused to the complainant. Shri Brijesh Manerkar requests the Commission to take a lenient view and condone the delay and close the Penalty proceedings. The former PIO files his explanation dated 23/10/2019 confirming the facts, a copy of which is taken on record.
5. **FINDINGS:** The Commission after hearing the submissions of the former PIO finds that the RTI Application was not replied by the PIO inadvertently as the PIO was busy with the Election related work and the RTI Application of the appellant therefore remained unattended. The Commission also finds that there is no malafide intentions on part of the PIO to either deliberately deny or conceal the information.
6. **DECISION:** In view that the PIO has regretted and has realized his mistake and also has regretted the inconvenience caused to the Appellant because of delay in furnishing the information and also in view that there is no malafide intention on the part of the former PIO to cause any deliberately delay or deny the information, the Commission accordingly takes a lenient view and condones the delay and exonerates the PIO from levy of any penalty and closes the Penalty proceedings. The Commission however issues a stern warning to the former PIO who is still in the Government service to be diligent in future while dealing with the RTI Application which should be disposed in a time bound manner strictly in accordance with the RTI Act, 2005.

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