

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

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

**Appeal No.278/2019/CIC**

Shri Uday A. C. Priolkar,  
R/o Hno.C5/55, mala,  
Panaji-Goa.

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**Appellant.**

**V/s**

- 1) The Public Information Officer,  
The Principal Sanjay School,  
Pundalik Nagar, Porvorim-Goa.403521.
- 2) The Member Secretary /FAA,  
Sanjay School ,  
Pundalik Nagar, Porvorim Goa.

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**Respondents.**

**Dated: 18/11/2019**

**O R D E R**

1) The appellant herein by his handwritten application dated 18/04/2019 filed u/s 6(1) of The Right to Information Act 2005 (Act) sought certain information from the respondent PIO. The said application was firstly responded by the PIO by his letter dated 06/05/2019 calling upon the appellant to visit the office for clarification as the said application was not clear and legible.

2) Accordingly the appellant by his visit on 27/05/2019 clarified the said application. However, according to appellant as the said information was not furnished within the stipulated time he filed the First appeal but the First Appeal was not decided within time and hence the appellant has filed the present second appeal.

3) On notifying the parties the PIO as also the First Appellate Authority (FAA) filed the reply. It is according to PIO that on

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22/04/2019, he has sought the information from the member Secretary seeking the information for being supplied to the appellant which was replied on 30/04/2019 stating that the said application is not clear and legible. That on 06/05/2019 he called upon the appellant to clarify the application which was done by the appellant on 27/05/2019. That Subsequently, on 28/05/2019 he sought the assistance from APIO for supply of information and inspite of several subsequent reminders the said information is not furnished by the APIO.

4) In the reply of the appeal, FAA in her contention stated that the information is not furnished as the APIO has not furnished the information to the PIO and that she has finally disposed the appeal in 10/10/2019.

5) Submission of the parties were heard. Appellant submitted that the information is not furnished till date which he is entitled to have under the Act. It is further according to him that the PIO has failed to furnish the same within time and hence he is liable to be penalized under section 20 of the act. In support of his contention he relied on the Judgment dated 08/02/2008 passed by the High Court of Punjab and Haryana.

6) The First appellate Authority, who is also the Member Secretary of the Respondent Public Authority and also the Administrative Head, submitted that as the PIO could not furnish the information inspite of seeking assistance from the APIO. She has passed the order directing the PIO to furnish the information within 10days after collecting the same. She further submitted that being a administrative head she can

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assist the PIO in organizing the information which was held by another authority earlier and that the same can be given. PIO did not differ from the said submission. According to the respondent the APIO, from whom the assistance was sought has since retired.

7) On perusing the records and considering the submission I find that the information as sought does not attract exemption under section 8 or 9 of the Act. Hence the information as sought, can be ordered to be furnished.

8) Coming to the point of penalty and compensation, it is to be noted that the application, as was filed, was not clear and legible. I personally also had the difficult in knowing its contents and hence has to seek the assistance of the appellant to know as to what he wanted by said application. Similar difficulty was faced by the PIO and hence had to seek the assistance of appellant to clarify the same which was done after about 39 days from the date of said application. Thus the illegibility and lack of clarity in the appellant's application dated 18/04/2019 filed under section 6(1) has also contributed to delay. Furthermore the PIO has also sought assistance from APIO for arranging the information. In these circumstances I am unable to conclude that the delay is solely attributable to the PIO. Furthermore the delay cannot be held to be intentional or deliberate in view of the records showing that the PIO has time and again sought the assistance of APIO. Considering the principles of equity. I find no grounds to invoke the rights of the Commission under section 20(1) and 20(2) or under section 19(8) (b) of the Act.

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9) Considering the above background, the PIO is hereby directed to furnish the information as sought by the appellant vide his said application dated 18/04/2019 within a period of 10days from the date of receipt of this order free of cost.

10) Order be communicated to the parties.

Proceeding closed.

Sd/-  
**(Prashant S. P. Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa