

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 208/2021/SIC

Shri Premanand Ram Naik,
H.No. 64, Nagzar,
Curti, Ponda-Goa 403401

..... Appellant

v/s

The Public Information Officer (PIO),
Secretary,
Village Panchayat of Curti-Khandepar,
Ponda-Goa 403401

..... Respondent

Filed on : 20/08/2021

Decided on: 04/03/2022

Relevant dates emerging from appeal:

RTI application filed on	: 31/01/2020
PIO replied on	: 16/10/2020
First appeal filed on	: 25/09/2020
FAA order passed on	: 14/10/2020
Second appeal received on	: 20/08/2021

ORDER

1. The brief facts of this appeal, as contended by the appellant are that the appellant vide application dated 31/01/2020 sought some information from respondent Public Information Officer (PIO). The appellant did not receive any information, hence filed appeal dated 25/09/2020 before the First Appellate Authority (FAA), B.D.O., Ponda Goa. The FAA vide order dated 14/10/2020 directed PIO to furnish the information within six days. The PIO furnished incomplete information and being aggrieved, appellant preferred second appeal before the Commission, praying for complete information, award of compensation and penalty on PIO.
2. The concerned parties were notified and pursuant to the notice appellant as well as PIO appeared in person. Appellant filed written submission dated 22/11/2021 and written arguments dated

04/01/2022. PIO filed reply on 08/12/2021 and another reply dated 04/01/2022. Arguments of both the parties were heard on 09/02/2022.

3. Appellant states that PIO initially did not respond to his application and later furnished some documents, still complete information is not provided. The PIO failed to furnish a copy of the construction licence of the bidder, who begged the contract. The fact that the PIO furnished the information in two lots prove that he kept some documents hidden at the time of furnishing first lot of information. Further, the appellant contended that the PIO is trying to mislead the appellant and the Commission with an intention of avoiding the disclosure of remaining information in order to cover-up illegal actions of the authority.
4. PIO stated vide reply that the available information is furnished to the appellant vide letter dated 16/10/2021 as per the order passed by the FAA on 14/10/2021. The information requested vide application dated 31/01/2020 was scanned and kept ready and the appellant was informed to collect the same. Subsequently PIO was posted on election duty and later lockdown was declared by the Government. The information was ready during this period, and it was not collected by the appellant and it could not be dispatched to him by the PIO in the circumstances mentioned above. Hence, the delay is not with malafide intention. Later, PIO has furnished the information as per the directions of the FAA. PIO further stated that the appellant is claiming additional information which is not part of the application dated 31/01/2020 and the PIO is not liable to furnish the same.
5. Since both the sides were not in agreement on the status of information furnished, the appellant requested for arguing his matter. Accordingly he argued on 09/02/2022, wherein he stressed on the delay in furnishing the information. Appellant argued that he has accepted the additional information furnished by the PIO on 04/01/2022, though under protest, and the PIO has to be punished under section 20 for delay in furnishing the information.
6. On the other hand, PIO argued stating that he has never denied the information, it was kept ready, and could not be furnished in stipulated time mainly due to election duty and lockdown. That he also provided for inspection of the entire file as per the directions

of the Commission and the appellant has inspected the file on 20/10/2021. That he has rendered all possible cooperation, furnished all available information and the delay was due to reasons beyond his control.

7. After careful perusal of the records of this appeal it is seen that the appellant was not provided the information initially, within the stipulated period. However there are valid reasons for the delay and finally, the PIO has furnished the information requested by appellant vide application dated 31/01/2020. It is observed by the Commission that the PIO is never found in denial mode. He complied the direction of the Commission and provided inspection to the appellant. Also he attempted to furnish additional information sought by the appellant during the proceeding. However appellant had to be restrained by the Commission when he referred to the information sought by another citizen Shri. Gopinath R. Naik and insisted on getting the same from the PIO. The appellant was objected by the Commission at this point and was advised to refer only to his application which was filed on 31/01/2020.
8. At the end of the arguments, appellant endorsed that the PIO has furnished the available information. Yet he insisted on punishing the PIO under section 20 of the Act, for delay in furnishing the information. Here, the Commission agrees that the appellant has received the information after the stipulated period. Nonetheless, PIO has explained the reasons for such delay and the Commission finds the explanation submitted by the PIO as satisfactory and conclude that the PIO cannot be held guilty for the delay and hence he cannot be penalised under section 20 of the Act.
9. On this background, the Commission finds that the PIO has furnished the information sought by the appellant vide application dated 31/01/2020 and the appeal needs to be disposed accordingly. Hence the appeal is disposed with the following order:-
 - a) As the information requested by the appellant has been furnished by the PIO, the prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.

b) Prayer for award of compensation and penal action under section 20 of the Act against the PIO is rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa