

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Appeal No. 241/2023/SCIC

Valerie J. Afonso,
H. No. 235, (B),
Near SFX Church,
Chicalim, Goa

.....Appellant

V/s

Mr. Amit Sankhalkar,
Public Information Officer,
Village Panchayat of Chicalim,
Chicalim, Mormugao, Goa

...Respondent

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 14/07/2023

Decided on: 26/02/2024

ORDER

1. The Appellant, Valerie J. Afonso, r/o House No. 235 (B), Near SFX Church, Chicalim, Goa 403711, vide her application dated 02/03/2023 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought six point information from the Public Information Officer (PIO), Village Panchayat, Chicalim, Mormugao, Goa.
2. The said application was not responded to by the PIO within stipulated period. Deeming the same as refusal, the Appellant preferred first appeal before the Block Development Officer, Mormugao, Vasco-Da-Gama, Goa on 13/04/2023, being the First Appellate Authority (FAA).

3. The FAA, vide its order dated 26/05/2023, partly allowed the first appeal and directed the PIO to furnish the information at point No. 01,02 and 05 within ten days.
4. Since the PIO failed and neglected to comply with the order of the FAA dated 26/05/2023, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
5. Notices were issued to the parties, pursuant to which, the representative of the Appellant Shri. Sanjay Redkar appeared on 25/08/2023 and submitted that he is ready and willing to furnish the information. Accordingly, the matter was posted for compliance on 11/10/2023.
6. In the course of hearing on 11/10/2023, Adv. Narayan Pai appeared and furnished a bunch of documents. The representative of the Appellant sought time to scrutinize the documents provided by the PIO.
7. During the course of hearing on 08/11/2023, the Appellant appeared in person and submitted that she has received the information at point No. 1 and 2 and the PIO did not furnish the information at point No. 5. Adv. N. Pai submitted that he will furnish the said information on next date of hearing and the matter was posted for the further compliance on 05/12/2023.
8. In the course of hearing on 07/02/2024, Adv. N. Pai appeared and furnished additional bunch of documents to the Appellant. He also placed on record the point wise reply of the PIO dated 03/02/2024. The representative of the Appellant Shri. Sanjay

Redkar scrutinized the documents and submitted that, he is satisfied with the information furnished by the PIO, however stressed upon to impose penalty on the PIO for causing delay in providing the information.

9. The Hon'ble High Court of Punjab in the case **State of Punjab & Ors. V/s State Information Commissioner & Ors. (LNIND 2010 PNH 2809)** has observed as under:-

"The delay was not inordinate and there was no contumacious misconduct on the part of the officer to supply to the petitioner the information. The penalty provisions under Section 20 of the RTI Act are only to sensitize the public authorities that they should act with all due alacrity and not hold up the information which a person seek to obtain. It is not every delay that should be visited with penalty. If there is a delay and it is explained, the question will only revolve on whether the explanation is acceptable or not."

10. The Hon'ble High Court of Bombay at Goa in the case **A.A. Parulekar v/s Goa State Information Commission & Anrs. (2010 (1) Mh.L.J.12)** has observed as under:-

"11. The order of penalty for failure is akin to action under Criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."

11. In the present case, it is pertinent to note that, on very first date of hearing, the representative of the PIO submitted that he is ready and willing to provide the information and eventually, he provided all the information to the Appellant.

The Commission is more concerned about furnishing the information as sought for by the Appellant. In my opinion, it is not the case that the PIO was unwilling to provide the information.

12. In the circumstances, I find no intentional delay on the part of the PIO. Considering the above, I find no grounds to invoke my powers under Section 20(1) of the Act, for imposing penalty. Accordingly, the matter is disposed of

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner