

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Penalty Case No. 12/2009  
In  
Appeal No. 252/2008**

Shri Yeshwant R. Prabhu,  
Carai, Mashem,  
Canacona – Goa

... Complainant.

V/s.

1) Public Information Officer,  
The Executive Engineer,  
W.D. XIV (N.H.), Public Works Department,  
Fatorda,  
Margao – Goa

... Opponent.

2) First Appellate Authority,  
The Superintending Surveyor of Works,  
Public Works Department, Altinho,  
Panaji – Goa

Complainant absent.  
Smt. N. Narvekar for the Opponent.

Dated: 29.03.2010

**ORDER**

In the Order of the Commission dated 03.09.2009 passed in Appeal No. 252/2008 a show cause notice was issued to Opponent No. 1 as to why penalty should not be imposed on him for the delay in providing the information to the Complainant.

2. In the reply the Opponent stated that though initially the information was incomplete it could not be provided at that time as it was not available but when the Opponent obtained the same, was provided to the Appellant and no malafide should be attributed for such delay and that the information sought by the Appellant was from 21.01.2003 to 31.09.2008 and the information to be traced was from voluminous records and this information were subsequently provided to the Appellant.

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3. The information sought on 12.06.2008 the Opponent on 11.07.2008 called the Complainant to collect the documents on payment of required fees and at the time of payment was made on 16.07.2008 as the documents were not ready the Opponent No. 1 sought twenty five days more to provide the information and it was provided on 30<sup>th</sup> and 31<sup>st</sup> July, 2008. The Appellant was not satisfied with the information provided as it was incomplete. Subsequently, after the First Appeal was filed the Opponent provided some part of the information and on 25.06.2009 provided the remaining part thereby completely providing the information sought by the Appellant in the request dated 12.06.2008. The contention of the Opponent is that the information sought being of a long period from 24.01.2003 to 31.09.2008 and covering a long stretch of National Highway-17, the information could not be provided in time.

4. On perusing the request for information dated 12.06.2008, the Complainant required NOC/permission given to any type of construction for government or private project right from Nuvem to Chaudi-Canacona, Mashem and the period is of five years, i.e. from 24.01.2003 to 31.09.2008. The very fact that the Opponent called on 11.07.2008 the Appellant to collect the information to his request dated 12.06.2008, indicate that the Opponent was ready and willing to provide the information to the Complainant. The information sought pertains to long period of five years and spread over a long distance on National Highway-17 it was practically difficult for the Opponent to provide the information immediately and had to be done in parts. This indicates that it was not deliberately or intentionally the Opponent delayed in providing the information to the Complainant. In such circumstances there are no reasons to proceed any further and the penalty proceedings are dropped.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**

