

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Complaint No. 98/SCIC/2010

Shri Kashinath Shetye,
R/o. Bambino Building, Alto Fondvem,
Ribandar,
Tiswadi - Goa

... Complainant

V/s.

The Public Information Officer,
Executive Engineer Div. XIX PWD,
Bambolim-Goa

... Opponent.

Representative of Complainant Ms. Sonia Satardekar.
Opponent in person.

ORDER (10.06.2010)

1. The Complainant, Shri Kashinath Shetye has filed this Complaint praying that the information as requested by the Complainant be furnished to him correctly free of cost as per section 7 (6) and as per the circular and Annexure I to V; that penalty be imposed on the Public Information Officer as per law; that compensation may be granted and that inspection of document be allowed as per rules.

2. The gist of the Complainant's case is as under:-

That the Complainant has filed an application dated 14/01/2010 under the Right to Information Act 2005 ('RTI' Act for short), thereby requesting the Public Information Officer (PIO) department of Information and Technology to issue information specified therein, which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the Complainant states that the PIO/Opponent failed to furnish the required information as per the application of the Complainant and that no inspection of information was allowed. Considering the non action on behalf of the opponent of

...2/-

the Right to Information Act 2005, the Complainant preferred this Complaint on the various grounds as set out in the Complaint.

3. Opponent resists the application and his say is on record. It is the case of the Opponent that Public Information Officer , Department of Information and Technology transferred the said application requesting to give suitable reply to point at Sr. No. 3 to the opponent herein. That by letter dated 12/02/2010 the Complainant was requested to collect the said information on payment of prescribed fees. It is, however the case Opponent that the Complainant never approached the Opponent to collect the information on payment of the prescribed fees.

4. Heard both the parties and perused the records. It is seen that the Complainant has sought certain information from the PIO, Department of Information and Technology transferred the said application under section 6(3) in respect of point at Sr. No. 3 so as to give the suitable reply to the Opponent herein. It is seen by letter dated 12/02/2010 the Opponent informed the Complainant to take the necessary certified copy on payment of Rs. 2- per copy. This letter appears to be in time. It appears that the Complainant did not go to pay the amount nor to collect the copy i.e. information. It appears that whatever information was existing with the Public Information Officer was offered to be furnished. However, the Complainant did not receive the same.

From the tenor of the argument of the complainant it appears that the information should be in V Annexure. It is to be noted here that under the Right to Information Act whatever information was available is to be furnished.

5. The Opponent contends that there is no ground to file the present complaint. I do agree with the contention. However, I need not refer to this aspect much. The Opponent submitted that earlier they were maintaining only one Annexure. However, they have now started to maintain as per the said circular in five Annexures. The Opponent also offered to furnish the same in five annexures.

6. No delay can be attributed to the Opponent. In the facts of this case even section 7 (6) of the Right to Information Act is not attracted.

7. Since Opponent has offered to furnish the information I pass the following Order:-

“The Opponent is directed to furnish the said information in respect of one/two files in five Annexures as per the said Circular to the Complainant within 15 days from the date of receipt of this Order. The Complaint is accordingly disposed off.”

Pronounced in the Commission on this 10th June 2010.

Sd/-

(M. S. Keny)

State Chief Information Commissioner