

# GOA STATE INFORMATION COMMISSION

## AT PANAJI

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

Complaint No. 56/SCIC/2010

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

... Complainant

V/s.

The Public Information Officer,  
State Directorate of Craftsmen Training,  
Shramshakti Bhawan,  
Patto-Panjim-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 that compensation be granted and that inspection of documents be allowed.

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

That the Complainant filed an application dated 14/01/2010 under Right to Information ('RTI' Act for short) requesting the Public Information Officer ('PIO' for short) 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 PIO/Opponent No. 1 failed to furnish the required information as per the application of the Complainant, and that no inspection of information was given. Considering the said non-action on

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behalf of Opponent No. 1 of the Right to Information Act 2005, the Complainant has preferred this Complaint on the grounds as set out therein.

3. The Opponent resists the application and their say is on record. It is the case of the Opponent that the present Complaint does not fall within the ambit of section 18 of Right to Information Act and hence be dismissed. That the same is pre-mature as the Complainant has not approached the First Appellate Authority. That the application also does not fall within the ambit of transfer under section 6 (3). On merits it is the case of the Opponent that vide letter dated 08/02/2010 informed the Complainant to pay requisite fees in order to collect the information or the document at point No. 3. That there is no case of non-action nor any grievance as the department followed the normal procedure which is required to be followed. According to the Opponent the Complaint is liable to be dismissed.

4. Heard both sides and perused the records of the case.

It is seen that the Complainant has sought certain information from the Public Information Officer Department of information and Technology. By letter dated 25/01/2010 the Public Information Officer. Department of Information and Technology transferred the 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 that by letter dated 08/02/2010 the Complainant was requested to collect the information at point No. 3 after paying the requisite fees. This letter is in time. It appears that the Complainant did not go to pay and collect the information. As per the Right to Information Act the information existing with the Public Information Officer is to be furnished. Since, the Complainant did not go to pay and/or collect information he cannot attribute non-action.

5. Adv. Shri K. L Bhagat for the Opponent contends that the Complaint is untenable in law and that the same is premature. I do agree with this contention. However, I need not refer to this aspect in view of the submission of the Opponent to which I shall refer hereafter.

6. It is submitted by the Adv. for Opponent that they maintain F.M.I and showed the same from the file. The same covers all columns but is not in Form i.e. in separate annexures. The Opponent further submits that he is ready to furnish the said information in five annexures.

7. Since information was offered to be furnished and since Complainant did not collect the said information there is no cause for the present Complaint. There is also no delay on the part of the Opponent and such section 7(6) is not attracted.

8. In view of all the above, I pass the following order:-

The Opponent is directed to furnish the said information in respect of the one/two files 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 10<sup>th</sup> day of June, 2010

Sd/-  
(M. S. Keny)  
State Chief Information Commissioner