

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 30/SCIC/2010

Shri Kashinath Shetye,
Bambino Building,
Alto Fondvem, Ribandar,
Tiswadi – Goa

... Complainant

V/s.

Public Information Officer,
Legal Metrology,
Above Shanbag Hotel,
Panjim-Goa

... Opponent.

Ms. S. Satardekar, representative of the Complainant.
Opponent in person.

ORDER

(21.06.2010)

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that information as requested by him 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 Public Information Officer as per law; that compensation be granted and inspection of documents be allowed as per list.

2. The brief facts leading to the present Complaint are as under: That the Complainant has filed application dated 14.01.2010 under RTI Act, 2005 (RTI Act for short) thereby requesting the Public Information Officer (PIO) Department of Information Technology to issue information specified therein, which was transferred as per section 6(3) of the RTI Act to the Opponent. That the PIO/Opponent failed to furnish the required information as per the application of the Complainant and that no inspection was allowed. Being aggrieved, the Complainant filed the present Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent resists the Complaint and his say is on record. It is the case of the Opponent that on receipt of the application of the Complainant from the PIO- Department of Information Technology, the Opponent sent a reply dated 04.02.2010 to the Applicant to pay an amount of Rs. 300/- as fees towards the required information. That the letter was received by the Complainant, as per AD receipt. It is the case of the Opponent that the Applicant did not turn up to pay the fees toward the required information nor did he turn up to collect the said information. That on earlier occasion also the Applicant has made similar application to the Opponent, however he failed to collect the information on payment of the required fees. In short, it is the case of the Opponent that the Complaint is not maintainable and there is failure on the part of the Complainant to collect the information. The detailed reply is on record.

4. Heard Shri Govekar, representative of the Complainant and Opponent in person and perused the records.

It is seen that the Complainant has sought certain information from the PIO, Department of Information Technology. By letter dated 25.01.2010 the PIO, Department of Information Technology transferred the application u/s. 6(3) in respect to point at Sr. No. 3 so as to give a suitable reply, to the Opponent herein. It is seen that by letter dated 04.02.2010 the Opponent informed the Complainant that the information sought is ready and that the Complainant is required to pay an amount of Rs. 300/- towards 150 pages of information on 09.02.2010 and collect the same on 10.02.2010 during office hours. It is seen that the Complainant did not pay the said amount nor collect the information. It is seen from records that letter dated 04.02.2010 was received by the Complainant as can be seen from the AD card. It is also seen from records that on 07.01.2010 the Complaint had made similar application to the Opponent, however, he did not collect the information. The reply that is sent by the Opponent is in time, i.e. within thirty days. From the reply it cannot be said that Opponent

failed to furnish the information. Information was kept ready. However, it is the Complainant who failed to collect it.

5. The main contention of the Complainant in the Complaint is that no information is furnished to him. From the letter it is crystal clear that information was offered however, the Complainant did not receive it nor pay for the same. It is to be noted here that Complainant instead of filing the Complaint ought to have collected the information.

In this factual background of this case, this Complaint is premature and not at all maintainable.

6. Regarding prayers in the Complaint, prayer (1) cannot be granted in view of all the above. Besides, section 7(6) is not attracted. There is no delay, therefore, the question of penalty does not arise. So also, the question of granting compensation does not arise.

7. No doubt section 18 of the RTI Act gives to the Complainant the right to approach the Commission directly in a Complaint. It would be wholly inappropriate to take up a matter like this as Complaint when in substance the information has been offered. It is to be noted further, on earlier occasions also the Complainant did not collect the information. In view of all the above, I pass the following order:

ORDER

The Complaint is dismissed as premature. However, the Complainant is free to collect the information on payment of required charges.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 21st day of June, 2010

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