

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 112/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,  
Directorate of Art & Culture,  
Panaji - Goa.

..... Opponent/Respondent.

Complainant absent. Ms. Sonia Satardekar, representative of Complainant present.

Opponent in person.

## **ORDER** **(16-06-2010)**

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that information as requested by the Complainant be furnished to him correctly free of cost as per section 7(6) and as per circular and the annexure I to V; that penalty be imposed on P.I.O. as per law for denying the information to the Complainant; that compensation be granted and that inspection of documents be allowed.

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

That the Complainant had filed an application dated 14/1/2010 under Right to Information Act, 2005 ('RTI' Act for short) thereby requesting the Public Information Officer, 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 Public Information Officer ('P.I.O')/Opponent failed to furnish the required information as per the application of the Complainant and that no

...2/-

inspection of information was allowed. Considering the said non-action on behalf of Opponent No. 1 of the RTI Act the Complainant preferred this Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the application and his say is on record. It is the case of the Opponent that the P.I.O. Department of Information Technology has transferred the application of the Complainant and had specifically mentioned about Sr. No. 3 of the application and the reply to be furnished to the applicant by the concerned Department under intimation to them (Dept. of I.T.). That the information was kept ready and informed the Complainant vide letter No. DAC/5/Est/I.In.Act/2006/4506 dated 12/2/2010 to collect the information by paying the requisite fees. It is the case of the Opponent that the Complainant did not collect the information nor visited office nor inquired on the phone. It is further the case of the Opponent that they are maintaining the File Movement Index as per the circular of Chief Secretary dated 9/6/2009 and that the Complainant can visit the office and peruse the details if required.

4. Heard both sides and perused the records. It is not in dispute that the Complainant filed the application. It is also not in dispute that the application was transferred to this Opponent under section 6(3) in respect of point at Sr. No. 3. It is seen that by letter dated 12/2/2010 the Opponent informed the Complainant that the certified copies of the F.M.I. of each of the sections of this Directorate are ready and Complainant was requested to collect the same on making a payment of Rs.16/-. However, the Complainant did not collect the same nor paid the amount.

In para 7 of the reply dated 15-19/4/2010 the Opponent states that

they maintain the F.M.I. as per the circular of Chief Secretary dated 9/6/2009.

During the course of his arguments the Commission asked the Opponent if they maintain in five (I to V) annexures and the Opponent states that they maintain in five annexures.

5. Grounds (a) and (b) in fact are not attracted as letter dated 12/2/2010 is to collect the information on payment of required fees. However, the Complainant did not go to collect information. In my view the Complainant ought to have collected the information as he had asked for it. Looking at the backdrop of this case the Complaint is premature, however, I do not wish to touch to this aspect.

6. In any case according to Opponent the information is ready. So there is no harm if Complainant collects it and also can take inspection if he wishes.

7. Regarding penalty the reply is in time. Since reply is in time, section 7(6) is not attracted. So also the question of compensation does not arise.

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

### **ORDER**

The Opponent is directed to furnish the information sought by the Complainant vide his application dated 14/1/2010 at point No. 3 (sr. No. 3) within 20 days from the date of receipt of this order.

The Opponent to give notice of the same to the Complainant and

the Complainant on his part to receive the same after complying the required formalities. Inspection, if any, can be given on a mutually agreed date.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of June, 2010.

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

