

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.55/SCIC/2010**

Shri Kashinath Shetye,  
R/o Bambino Building,  
Alto Fondvem, Raibandar,  
Tiswadi – Goa.

... Complainant

V/s  
Public Information Officer,  
Directorate of Trade & Commerce,  
Udyog Bhavan,  
Panaji – Goa.

... Opponent

Complainant alongwith his representative in person.  
Opponent present

**O R D E R**  
(22/06/2010)

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 the annexures I to V; that the penalty be imposed on the Public Information Officer as per law; that compensation be granted and inspection of documents be allowed as per rules.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant has filed an application dated 14/01/2010 under 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 Public Information Officer/Opponent failed to furnish the required information as per the application of the Complainant and that no inspection was allowed. Being aggrieved the Complainant has filed the present complaint on the grounds as set out in the Complaint.

3. The Opponent resists the application and their say is on records. It is the case of the Opponent that on receipt of the application the opponent immediately circulated the copy of the said application to respective 7 sections of the Directorate of Industries Trade and Commerce to collect the required information vide letter dated 05/02/2010 for its onward submission to the Complainant. That since the file movement index is maintained by the Directorate of Industries Trade and Commerce are voluminous in nature the Complainant was requested to visit personally in the office and collect the same. After payment of requisite fee as prescribed in section 5 of section 7 of the Right to Information Act and the notification issued by the department of Information and Technology. The Opponent deny the case of the Complainant as set out in the Complaint. In short it is their case that Complainant was requested to collect the copies of the information after payment of requisite fees. It is also the case that they maintained the FMI.

4. Heard the Representative of the Complainant and the Assistant Director of Industries and perused the records. It is seen that 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 Opponent informed the Complainant that the file Movement Index is now maintained in the Office which very voluminous and that the Complainant was requested to visit personally in their office and collect the same copies after payment of requisite fees. It appears that the Complainant did not collect the said copies. It is seen that the reply is sent in

time. From the reply it cannot be said that the Opponent failed to furnish information.

5. The main contention of the Complainant is that no information is furnished and that Public Information Officer erred in informing that the information is voluminous. The letter dated 08/02/2010 from the Opponent mentions that records are voluminous and also requested the Complainant to personally visit. However, the Complainant has not collected the same instead rushed this Commission with this Complaint.

5. In the factual backdrop of this case this Complaint is not at all maintainable and premature. However, I would not refer this aspect much.

6. During the course of argument the Opponent submits that they have maintained the FMI and they have also had software where one can locate the file and soon all their records would be computerized. He also submitted that he is willing to give the said information/file movement Index in five annexures i.e. I to V. In any case, the Opponent is ready to furnish information so there is no harm if complainant collects it and take inspection if he wishes.

7. Regarding penalty, the reply is in time. Since, the reply is in time section 7(6) is not attracted. The question of penalty, Compensation etc. does not arise, in view of the facts of this case.

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

**O R D E R**

The Opponent is directed to furnish the information sought by the Complainant, vide his application dated 14/01/2010 on point No. 3 within 20 days from the date of receipt of this order and as per the said circular and in five annexures i.e. I to V.

...4/-

The Opponent to give notice to the Complainant and the Complainant on its 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 the 22<sup>nd</sup> day of June 2010.

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

