

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.70/SCIC/2010

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

... Complainant

V/s
Public Information Officer,
Department of Information Technology,
Alcon Construction, Porvorim,
Bardez – Goa.

... Opponent

Ms Sonia Satardekar, representative of the Complainant present.
Opponent in person.

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 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 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.

...2/-

3. The Opponent resists the application and their say is on record. It is the case of the Opponent that on receipt of the Application the opponent had sent a reply dated 08/02/2010 within the prescribed period under Right to Information Act stating that Director, Department of Information Technology has been declared as nodal officer under Right to Information Act 2005 for which certified copy is kept ready and can be collected on payment of Rs. 2/- and in respect of other points Complainant was informed that Department has maintained records under F.M.I. and he can check on 11/02/2010 during office hours. That the Complainant was also informed that certified copy of F.M.I. of other Departments will be Directly sent to him by concerned Departments. It is also the case of Opponent that the reply was given within the prescribed period under Right to Information Act.

4. Heard representative of the Complainant and the Opponent. I have also perused the records of the case.

It is seen that the Complainant has sought certain information from the Public Information Officer Department of Information Technology. By letter dated 08/02/2010 the Complainant was informed about Nodal Officer and about maintaining F.M.I. offered inspection and was also informed that as far as Sr. No. 3 of the application the information would be sent to him directly by the concerned Department. The Complainant was also requested to pay the fees. It appears that Complainant failed to collect the same.

5. The main contention of the Complainant is that information is not furnished to him. From the said letter it becomes clear that Complainant was offered information. However, he did not collect. The Complainant did not

even pay the fees as per the said letter. 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 refer to this aspect in view of the following.

6. The Opponent states that they maintain F.M.I. in five annexure I to V and that he is ready to furnish the same in five annexures.

7. Regarding penalty reply is in time. Since reply is in time section 7(6) is not attracted. Question of penalty and compensation does not arise.

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

“The Opponent is directed to furnish the information sought by the Complainant vide his application dated 14/01/2010 at point No. 3 (Sr. No. 3) in annexures I to V within 20 days from the date of receipt of this order.

Inspection, if any, can be given on a mutually agreed date.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 22nd day of June 2010.

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

