

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 107/SCIC/2009

Mahesh Kamat,
Shivnery Co-op, Housing Society,
Comba,
Margao – Goa

... Complainant.

V/s.

Deemed Public Information Officer,
Legal Assistant,
Kadamba Transport Corporation Ltd.,
Paraiso De Goa Building,
Alto Porvorim-Goa

... Opponent.

Complainant in person.
Opponent in person.

Dated: 29.06.2010

ORDER

The Complainant on 31.08.2009 sought the following information under RTI Act:

- 1) The records perused by Shri S. V. Naik with respect of each para and the department and officer making available such records.
- 2) The records perused by Shri Sanjay Goel and/or furnished to Shri Amay Kakodkar, Adv. High Court who is informed to have made oral submissions (para 1 of reply filed before the Hon. State Information Commission).
- 3) The duration of service from and to as MD KTCL of Shri Sanjay Goel and Shri Shrikant V. Naik.
- 4) The date from which the personnel records of the applicant were held by the Personnel Officer/Personnel Manager and the date from which the said records transferred and held by Legal Assistant and instrument of transfer.

The Public Information Officer of the Public Authority – Kadamba Transport Corporation Ltd., (hereinafter referred as PIO) by communication dated 30.09.2009 denied the information as the same was not furnished by the concerned sectional heads inspite of the reminders. The Complainant preferred the First Appeal on 10.11.2009 and by Order dated 20.11.2009 the First Appellate Authority directed the PIO to obtain the requisite information from the concerned department/section and the section-in-

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charge to either supply the information to the Complainant or to reply to the Complainant suitably within seven days and also direct the section-in-charge to respond to the PIO's note dated 02.09.2009. In the same Order the First Appellate Authority observed that there is dereliction on the part of the Legal Assistant in not responding to the note forwarded to him by the PIO and warned the Legal Assistant to be careful while dealing with request received from PIO in the matters of RTI Act. On 26.11.2009 the PIO provided the information to the request at Sr. No. 1, 2, 3 and 4. The Complainant, on the strength that the information provided is incomplete, erroneous and the Opponent deliberately and intentionally disobeyed the directions and warnings from the Appellate Authority, preferred this Complaint.

3. The contention of the Complaint is that he requires the information at Sr. No. 1 and 2 which has been denied by the Opponent stating that it is not available and that the information required is in respect of submissions made by S.V. Naik, the then Managing Director and Adv. Amey Kakodkar in the affidavits filed in the writ petition from High Court.

4. On perusing the reply of the PIO dated 16.11.2009, the information sought at Sr. No. 1, the PIO replied stating that records were not available and in respect of Sr. No. 2 the record also was not available as the submissions made before the High Court by Adv. Shri Amey Kakodkar were based on oral instructions given by the then Managing Director, Shri Sanjay Goel. According to the Complainant, the information at Sr. No. 1 and 2, the Opponent can provide as it is from the records of the writ petition before the High Court. Since the information sought is from the records which have been presented in the Writ Petition filed before the High Court, it was not proper on the part of the Opponent merely to state that the information at Sr. No. 1 and 2 were not available. The Opponent ought to have indicated, with records that the information sought is not available with the Public Authority – Kadamba Transport Corporation Ltd. Further, the first Appellate authority also directed the Opponent to give effect of any assistance sought from the PIO and even observed that there was dereliction on the part of the Opponent in not responding to the note of the PIO.

5. Since the information sought at Sr. No. 1 and 2 of the request dated 31.08.2009 pertains to the records submitted in the writ petition before the High Court, the Opponent is required to provide this information to the Complainant and a show cause notice is required to be issued to the Opponent for deliberately not providing the information and not complying with the directions of the Order of the First Appellate Authority. Hence, the Complaint succeeds and the Opponent is directed to provide information at Sr. No. 1 and 2 and give a reply to the show cause notice, on 21.07.2010.

Sd/-
(Afonso Araujo)
State Information Commissioner