

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 224/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Directorate ofAccounts,
Panaji - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat, for the Opponent in person.

ORDER
(02-07-2010)

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 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.

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3. The Opponent resists the Application and their say is on record. It is the case of the Opponent that the present case does not come within the ambit of section 18 of Right to Information Act and ought to be dismissed. That no First Appeal is preferred. That no Complaint lies as information is not refused and that no misleading or incomplete information given. That no application under section 6(3) can be filed. That application ought to have been filed separately and not to one Public Information Officer. On merits it is the case of the Opponent that they received the application under section 6 (3) to furnish information to point No. 3 to the Complainant. By letter dated 04/03/2010 the opponent furnished the information on point No. 3 to the Complainant. That there is no refusal to furnish the information. That no inspection was sought. That this Opponent had to furnish to the Complainant the information only with regards to item No. 3. That the Complainant filed the Complaint without any valid grounds and complaint should be dismissed.

4. Heard both sides i.e. representative of the Complainant and Adv. Shri K. L. Bhagat and perused the records. It is not in dispute that the Complainant filed the application . It is also not in dispute that the Complainant's 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 04/03/2010 the Opponent sent the information to the Complainant. It is seen that letter under section 6 (3) was received on 10/02/2010 and the reply was sent on 04/03/2010. Considering this the information was sent within the stipulated time. It is seen that whatever information was available was furnished. It is to be noted that a citizen can seek only information which is available with the Public Authority in material form. It is not open to a citizen to ask, in the guise of seeking information, questions about the nature and quality of their actions. But what is available is to be furnished.

5. During the course of arguments opponent and his advocate state that of late they have started maintaining the File Movement Index and they are prepared to furnish the copy in five annexures.

6. Regarding maintainability of the Complaint I am in agreement with Adv. Shri Bhagat when he contends that Complaint is not maintainable. However, in view of the above statement we need not touch this aspect even though the Complaint is pre mature.

7. Regarding penalty the reply is in time considering the receipt of the request by the Opponent. Since reply is in time Section 7(6) is not attracted. So also question of compensation does not arise.

8. In view of 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 five annexures i.e. I to V within 30 days from the date of receipt of this order.

The Opponent to intimate 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 2nd day of July, 2010.

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

