

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 109/SCIC/2010

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

V/s.

Public Information Officer,
Directorate of Settlements and Land Records,
Panaji - Goa. Opponent

Complainant present,
Opponent present,

ORDER
(13-07-2010)

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 costs as per section 7(6) ; that penalty be imposed on the P. I. O. as per law for denying the information to the Complainant; that compensation be granted for the detriment faced by the Complainant and that inspection of documents may be allowed as per rules.

2. The facts leading to the present Complaint are as under:- That the Complainant had filed an application dated 9-06-2009 under Right to Information Act 2005 ('R.T. I.' Act for short) thereby requesting the Public Information Officer (P.I.O.). Electricity Department to issue information specified therein, which was transferred as per section 6(3) of the 'RTI' Act, to the opponent. That the P.I.O./Opponent failed

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to furnish the required information as per the application of the Complainant and that no inspection of information was allowed. Being aggrieved the Complainant has filed the present Complaint.

3. Opponent resists the Complaint and their say is on record. It is the case of the Opponent that Opponent received application of the Complainant dated 9-06-2009 which was forwarded under section 6(3) of R.T. I. Act by P. I. O.. Executive Engineer (Procurement) Electricity Department, Vidyut Bhavan, Panaji vide his letter dated 12-06-2009 with a request to furnish information to the complainant. That the Opponent by letter dated 16-06-2009 informed that the subject matter does not pertain to this office and hence it does not attract provisions of section 6(3) of the R. T. I. Act. That the application of the Complainant dated 9/06/2009, does not refer to any information sought pertaining to his office i.e. Directorate of Settlement and Land Records (DSLRL). It is further the case of the Opponent that as regards the electrical connections of DSLR premises, all necessary requirements are being processed by Electrical wing of the Public Works Department of Government of Goa which is the appropriate authority of the Govt. for carrying out necessary electrical connections of Government buildings including DSLR office premises. That the office of the opponent does not deal with any of the 13 subject matters in respect of which certified copies of the electrical connections of Government building has been sought by the Complainant vide his application dated 9/06/2009. That in the present

case provisions of section 6(3) (ii) of RTI Act cannot be invoked. According to the Complainant, complaint is liable to be discussed.

4. Heard the arguments. Complainant argued in person and Opponent also argued in person.

I have carefully gone through the records the case and also considered the arguments advanced by the parties.

It is seen that the Complainant by his application dated 9/06/2009 sought certain information from the P. I. O. the Ex. Engineer (Procurement) Electricity Department Vidyut Bhavan, Panaji, Goa. The Information sought consists of 13 points in connection with Electricity such as load sanctioned, wiring plan etc. The P. I. O. Executive Engineer (Procurement) transferred the said application under section 6(3) to the Opponent herein by letter dated 12/06/2009. By letter dated 16/06/2009 the Opponent herein informed the P. I. O. Executive Engineer (Procurement) that the subject matter of the Complaint does not pertain to their office and hence it does not attract the provisions of section 6(3) of R.T.I. Act and also requested to take appropriate decision. Copy of this letter was also sent to the Complainant. In Exhibit B i.e. the said letter there is dated signature of the Complainant. This letter is in time.

5. It is the case of the Opponent that the office of the Opponent does not deal with any of the 13 subjects matters in respect of which certified copies of the electrical connections of Govt. buildings has been sought by the Complainant.

6. According to the Complainant they should have the same. Since P.I.O. states so there is no reason to disbelieve the P. I. O. when he states that all the necessary requirements are being processed by Electrical wing of P. W. D. which is the appropriate authority.

7. Under R.T.I. the P.I. O. is supposed to furnish the information available with him. He is not obliged to furnish nonexistent information. Under the circumstances the opponent could transfer the same to the concerned Authority. I am aware of the circular and O. M. No. 10/2/2008-IR dated 12/06/2008 Government of India, Ministry of Personnel and Training New Delhi.

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

“ No intervention of this Commission is required. The opponent to transfer the said application to the concerned Department u/sec 6(3) of R. T. I. Act with intimation to the Complainant and the Complainant to deal with the same with the concerned authority.

The Complaint is disposed off.

Pronounced in the Commission on this 13th day of July, 2010

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

