

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 111/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Directorate of Settlement & Land Records,  
Panaji - Goa.

..... Opponent/Respondent.

Complainant present

Opponent present in person.

## **ORDER** **(13-07-2010)**

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.

...2/-

3 The Opponent resist the Complaint and their say is on record. It is the case of the Opponent that on receipt of the application from the Complainant under Right to Information Act from the Public Information Officer Department of Information and Technology, the Opponent replied to the Complainant vide letter dated 08/02/2010 that certified copy of the information requested by the Complainant will be ready on payment of Rs. 262/- calculated at the rate of Rs. 2/- per page for 131 number of pages and it was requested to collect the information after paying the required fees on any working day between 09.45 a.m to 12.30 p.m and 2.00 p.m to 4.00 p.m. That the response was within the prescribed time limit. That no inspection has been sought. It is also the case of the Opponent that application forwarded by Public Information Officer of Department of Information Technology does not come under section 6(3) (ii) of Right to Information Act. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the Complainant and the Opponent in person and perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer Department of Information Technology. By letter dated 25/01/2010 the Public Information Officer Department of Information 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. By letter dated 08/02/2010 the Opponent informed the complainant about information being ready and to collect the same on payment of fees. It appears that Complainant did not collect the same. Instead rushed to this Commission.

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

5. During the course of argument the Opponent submits that they have maintained the File Movement Index and 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 Opponent is ready to furnish information so there is no harm if Complainant collects it and also take inspection if he wishes.

6. The reply is in time. So the question of penalty does not arise section 7(6) is not attracted in the facts of the case. So also compensation.

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

### **O R D E R**

The Opponent to furnish the information sought by the Complainant vide his application dated 14/01/2010, on point No. 3 as per the said circular dated 09/06/2009 and in five annexures i.e. I to V, within 30 days from the receipt of the order.

The Complainant on his part to pay the required charges as per law within 10 days from the receipt of the Order.

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 13<sup>th</sup> day of July, 2010.

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



