

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 133/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Town & Country Planning Department,
Patto, Panaji - Goa.
Opponent/Respondent.

.....

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

Opponent present in person.

ORDER
(02-08-2010)

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.

3. The Opponent resists the Complaint and their say is on record. It is the case of the Opponent that the Complainant made an application under section 6(1) of the Right to Information Act 2005 to Public Information Officer, Department of Information and Technology for information, who transferred information sought at Sr. No. 3 to the Opponent under section 6(3), vide letter dated 25/01/2010 which was received on 05/02/2010. That the information sought at Sr. no. 3 was very specific. That since that the information sought by the Complainant pertains to the Nodal Officer appointed in this Office to maintain the File Movement Index in Town and Country Planning Department his services were sought and was put on record. The cost of information Rs. 64/- was informed to the Complainant to pay and collect information, Vide letter dated 16/02/2010. That the Complainant has not collected the information nor made any payment. It is also the case of the Opponent that no inspection was sought.

4. Heard the Representative of the Complainant as well as Opponent and also perused the record. It is seen that the Complainant has sought certain information from the Public Information Officer, Department of Information Technology who transferred the application under section 6(3) in respect of Sr. No. 3, so as to give proper reply to the Opponent herein. It is seen that by letter dated 16/02/2010 the Complainant was informed that the information is kept ready and the same be collected on payment of Rs. 64/-. It appears from the record that the Complainant did not collect the same.

5. According to the Complainant as per the grounds in the Complaint the information is incomplete. It is to be noted here that the Complainant did not collect the information. As per the reply Opponent informed the Complainant to pay the amount but the Complainant did not pay the amount nor collect the information. So in my view no fault lies with the Opponent/Public Information Officer. The information that is not available, could not be supplied. In view of this factual backdrop the complaint is premature.

6. I have perused the circular dated 09/06/2009 which is on record the same aims at speedy disposal of files and curtails delay and to some extent shows accountability. In any case, there is no harm if this is implemented by the Office of the Opponent herein.

7. Opponent submitted that Nodal Officer was appointed he also submitted that single file system is maintained. From the tenor of the arguments it appears that the Opponent are ready to maintain as per the circular.

8. There is no delay as such, Complainant also failed to pay the fees and collect the Information. Hence question of penalty & compensation does not arise.

9. In view of all the above no intervention of this Commission is required and hence order. I pass the following order:-

ORDER

The Opponent to follow the said circular dated 09/06/2009 and maintain the File Movement Index as per the said circular and in five annexures I & V. No further intervention of this Commission is required.

The Complaint is disposed off.

The Complaint is disposed off accordingly.

Pronounced in the Commission on this 2nd day of August, 2010.

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

