

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 299/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Dy. Director of Tourism (P) North,  
Patto, Panaji - Goa.

..... Opponent/Respondent.

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

Opponent in person.

## **ORDER** **(16-08-2010)**

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; that compensation be granted and that inspection of documents be allowed.
2. The gist of Complainant's case is as under: -

That the Complainant filed an application dated 26/02/2010 under Right to Information Act 2005('RTI' Act for short) thereby requesting the Public Information Officer (PIO) Department of Goa State Infrastructure Development Corporation Ltd., (GSIDC) to issue information specified therein which was transferred as per section 6(3) of the Right to Information Act to the Opponent. That the Public Information Officer/Opponent No. 1 failed to furnish the required information as per the application of the Complainant and that no inspection was allowed. Being aggrieved the Complainant filed the Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent resists the application and their say is on record. It is the case of the Opponent that Complainant vide application dated 26/02/2010 sought certain information from the PIO, GSIDC and not to the office of Opponent. That vide letter dated 03/03/2010 the said application was forwarded to the Office of the Opponent with a request to supply information that thereafter PIO/Opponent informed the Complainant vide letter dated 10/03/2010 to pay an amount of Rs. 160/- as prescribed fees and collect the information immediately. That the Opponent did not collect the information instead filed the present Complaint. It is the case of the Opponent that the Complainant has no right or authority to approach this Commission as he himself failed to collect the information by paying Rs. 160/-. It is also the case of the Opponent that the grounds mentioned are not attracted. According to the Opponent the Complainant is liable to be dismissed.

4. Heard both sides and perused the records.

It is seen that the Complainant has sought certain information from Public Information Officer GSIDC by letter dated 03/03/2010 General Manager/Public Information Officer GSIDC transferred the application under section 6(3) to the Opponent requesting him to provide the information. By letter dated 10/03/2010 the Opponent informed the Complainant about deposit of fees etc and collecting the information. The Complainant was specifically told that the information is ready and he can collect it. This reply is sent in time. From the reply it cannot be said that the Opponent failed to furnish information. It is to be noted here that available information is to be furnished under the Right to Information Act. It is the contention of the Complainant as per the grounds in the Complaint that no information is furnished to him. It is seen that the Complainant was called to pay the fees and to collect the information. However, it is the Complainant who failed to collect the same.

...3/-

During, the course of argument the Opponent submitted that they maintained the File Movement Index but in the old format and not as per the recent circular of Chief Secretary.

5. I have perused the circular dated 09/06/2009 copy of which is on record. The same aims at speedy disposal of file and curtails delays and to some extent shows accountability. In any case, there is no harm if this is implemented by the office of Opponent herein. The Opponent also submitted that of late they have started maintaining the same as per the circular.

6. I do agree with the contention of the Opponent that Complaint is not maintainable. However, I need not refer to this aspect much.

7. Regarding, the prayers in the Complaint. Prayer (i) cannot be granted, as there is no delay. The question of penalty as well as compensation does not arise.

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

**ORDER**

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

Complaint is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of August, 2010.

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



