

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.115/SCIC/2010

MrKashinath Shetye,
R/o Bambino Bldg,
Alto Fondvem, Raibandar,
Tiswadi –Goa.

...

Complainant

V/s

Public Information Officer,
Dte. Of Mines & Geology,
Udyog Bhawan,
Panaji –Goa.

...

Opponent.

Complainant absent. Ms. S. Satardekar representative of the complainant.

Adv. K. L. Bhagat for the opponent.

O R D E R
(03/09/2010)

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 resist the Complaint and their reply is on record. It is the case of the Opponent that the Complaint does not fall within the ambit of section 18 of the Right to Information Act and ought to be dismissed in limine. That the present complaint is premature. That the Complainant has not approached the First Appellate Authority and on that ground also complaint is liable to be dismissed. That the Complainant has not been refused access to any information requested under this Act. that the present case also does not fall within the ambit of transfer under section 6(3) as the Complainant cannot make an application to the Public Information Officer of one department and request him to furnish the information pertaining to information or documents of other Government Departments. That the Complainant ought to have filed fresh and specific application to this Public Information Officer seeking the information. On merits it is the case of the Opponent that the Public Information Officer Department of Information Technology vide his letter dated 24/01/2010 transferred the request of the said item No. 3 under the provision of section 6(3) (ii) of the Right to Information Act 2005 to the Opponent herein. That the Opponent vide his letter No. 1/05/2003/PER/ADM/Mines/3785 dated 11/02/2010, requested the Complainant to collect the information on point No. 3 on any working day during office hours by paying necessary fees as mentioned in the said letter. That the Complainant did not approach the office of the Opponent to verify or collect the information kept ready for delivery. That this was intimated within 30 days. That the grounds mentioned are not attracted. That the information sought is only regarding point No. 3. According to the Opponent complaint is liable to be dismissed.

4. Heard the arguments and perused the records.

It is seen that the Complainant by his letter dated 14/01/2010 sought certain information from the Public Information Officer Department of Information and 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. It is seen that by letter dated 11/02/2010 the opponent requested the Complainant to deposit the amount towards the fees and collect the information. This was sent within the stipulated time. It is seen that the Complainant did not collect the information.

It is contended by the Complainant that information is incomplete and that the information is not furnished to him. It is to be noted here 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 Adv. for opponent states that they are maintaining the File Movement Index and that too 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.

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

8. It is seen that by letter dated 11/02/2010 the Complainant was told to collect the information but he failed to collect the same. Opponent state that they maintain the File Movement Index as per the said circular. In view of this the Complainant can seek the same information on payment of required charges. Hence I pass the following order;-

O R D E R

“ No intervention of this Commission is required. The Complaint is disposed off.”

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 3rd day of September, 2010.

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

