

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No. 60/SCIC/2010**

Shri Yeshwant Tolyo Sawant, Barazan, P.O. Birondem, Sattari –Goa.. V/s	....	Appellant
1) The Public Information Officer & Supdt. Engineer, Circle –I, W.R.D., Panaji –Goa.	....	Respondent No.1.
2) The Asst. Public Information & Executive Eng., Works Div-I, WRD, Panaji –Goa.	....	Respondent No.2.
3) The Chief Engineer, Water Resources Department, Junta House, Panaji –Goa.	....	Respondent No.3.

Appellant in person.

Respondent No.1 along with his Adv. N. Dias.

Representative of Respondent No.2 present.

Respondent No. 3 absent

**O R D E R**  
(02/09/2010)

1. The Appellant, Yeshwant Tolyo Sawant, has filed this Appeal praying that Respondent No. 1 and 2 and 3 be directed to issue the certified copies to the Appellant and also for taking necessary action against the Respondents.

2. The brief facts leading to the present Appeal are as under:-

That the Appellant, vide his application dated 29/09/2009 sought certain information under Right to Information Act ('RTI' Act for short). That the Respondents failed to furnish the said information. That Appeal was preferred before the First Appellate Authority ('FAA' for short) and the FAA ordered that the said documents be searched and furnished within 15 days. Being aggrieved that documents are not furnished the Appellant has preferred this appeal.

...2/-

3. The Respondents resist the appeal and the say of the Respondent No. 1 is on record. It is the case of the Respondent No. 1 that Respondent No. 2 was directed to furnish the information as the same comes within their jurisdiction. That the office of Respondent No. 1 is dealing mainly with technical matter and the said information is beyond his control. That the documents could not be furnished as the same were not with the Respondent No. 1. Besides documents sought are 10 years old.

4. Heard Adv. A. Mandrekar for Appellant and Adv. N. Dias for Respondent No. 1 and perused the records.

It is seen that Appellant by his letter dated 29/09/2009 has sought certain information. According to the Appellant copies were not certified. According to Adv. for Respondent No. 1 information is furnished.

5. During the course of his arguments Adv. for Appellant submits that free information has been furnished, however, there is some delay.

6. It is to be noted here that Right to Information Act, in general, is a time bound programme between the Administration and the citizen requesting information and every step will have to be completed within the time for presentation of the request and disposal of the same. Presentation of First Appeal and disposal by the Appellate Authority.

7. In the case before me, the information was sought on 29/09/2009. it appears that free information was not provided within the statutory period.

Now it is to be seen whether there is any delay. Apparently there is delay in furnishing the information as contended by the Advocate for the Appellant. According to Adv. for Respondent there is no delay as such. In any case PIO/Respondent NO. 1 should be given an opportunity to explain that the same is not deliberate or malafide etc in the factual matrix of this case. ...3/-

8. In view of the above since information is furnished no further intervention of this Commission is required. Since there is delay the Respondent No. 1 is to be heard on the same. Hence I pass the following order:-

**O R D E R**

Since information is furnished no intervention of this Commission is required.

Issue Notice under section 20(1) of the Right to Information Act to the Respondent No. 1 /PIO why penalty action should not be taken against him for causing delay for furnishing information. The explanation, if any, should reach the Commission on or before 01/10/2010. PIO shall appear for hearing.

Further inquiry posted on 01/10/010 at 10.30 am.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 2<sup>nd</sup> day of September, 2010.

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



