

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 147/SCIC/2010

Mr. I. S. Raju,
H.No. 706-A,
Acsona Benaulim,
Salcete –Goa.

...

Appellant

V/s

1) Public Information Officer,
Department of Town & Country Planning,
South Goa,
Margao –Goa.

...

Respondent

Appellant present in person.

Respondent in person.

JUDGEMENT **(27/08/2010)**

1. The Appellant has preferred this second Appeal praying that information as prayed be furnished to him.

2. The gist of Appellant's case is that the Appellant sought certain information under Right to Information Act ('RTI' Act for short) from the Respondent. By letter dated 29/10/2009 the Opponent requested the Appellant to collect the information. Since information was not provided the Appellant preferred First Appeal. The same was disposed by order dated 27/10/2009 and Public Information Officer was directed to furnish the information sought immediately. Since information was not furnished the Appellant was per forced to prefer the present Appeal.

3. The Respondent did not file any reply as such, however, the representative of the Respondent advanced arguments.

4. Heard both sides and perused the records.

It is seen that by letter dated 19/08/2009 the Appellant sought certain information. However the same was not furnished. By letter dated 29/10/2009 the Respondent called the Appellant to collect the information. Letter dated 02/11/2009, on record, shows that no enclosures were attached.

5. During the course of arguments, the Appellant states that he has now received the information, however, the same is received after a period of one year. Appellant prays that penalty be imposed for delay. According to the representative of the Respondent it is not so.

6. It is pertinent to note 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 i.e. presentation of request and disposal of the same, presentation of First Appeal and disposal by First Appellate Authority.

The Application was made on 19/08/2009 and by letter dated 29/10/2009 the appellant was called to collect the information but enclosures were not given and the same were given by letter dated 19/08/2010. Apparently there is delay in furnishing the information as contended by the Appellant. However Respondent disputes this. However Public Information Officer should be given an opportunity to explain the same.

7. Since Appellant states that he has received the information no further intervention of this Commission is required. Since there is delay the Respondent is to be heard on the same.

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

O R D E R

No further intervention of this Commission is required.

Issue Notice under section 20(1) of the Right to Information Act to Respondent /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 30/09/2010 at 10.30 am. Public Information Officer/Respondent shall appear for hearing.

Further inquiry posted on 30/09/2010 at 10.30 am.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 27th day of August, 2010.

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

