

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 21/SCIC/2010

Shri Suresh V. Parsekar,
R/o H.No. 1073/2,
Madhlamaj Mandrem,
Pernem –Goa.

... Complainant

V/s

1) Public Information Officer,
O/o Industrial Development Corporation,
EDC Complex Patto Plaza Panaji-Goa

... Opponent No.1

2) Deemed Public Information Officer,
Dy General Manager (Adm) Estate Division,
Goa Industrial Development Corporation
EDC Complex Patto Plaza Panaji –Goa.

... Opponent No.2

3) First Appellate Authority,
Managing Director,
Goa Industrial Development Corporation
EDC Complex Patto Plaza Panaji –Goa.

... Opponent No.3

Complainant in person.

Respondent No. 1 in person.

Adv. K.Divker for Respondent No. 2.

Respondent No. 3 present.

O R D E R
(15/10/2010)

1. The Complainant, Shri Suresh V. Parsekar, has filed this Complaint praying that information as requested by the Appellant be furnished to him free of cost as per section 7(6); that penalty be imposed on the Public Information Officer/Deemed Public Information Officer as per law, and that compensation be given.

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

That the Complainant had filed an application dated 29/09/2009 under Right to Information Act 2005 ('R.T.I' Act for short) thereby requesting the Public Information Officer to furnish certain information. That since information was not furnished the Complainant preferred a First Appeal. That the First Appellate authority passed the order without even hearing the Complainant. That the Complainant went to collect the

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information which was not given to him by opponents nor allowed any inspection. It is also the case of the Complainant that opponent No. 2 informed that he is not the S.P.I.O. and the order of the Commission doesn't bind him. Being aggrieved by non-implementation of the order dated 30/12/2009 the Complainant has filed the present complainant on the grounds as mentioned in the Complaint.

3. The Opponents resist the Complaint and their reply is on record. It is the case of the opponent No. 1 that by order dated 30/12/2009 passed in Appeal No. 109/SCIC/2009 the Commission directed to furnish the information as requested by the Appellant/Complainant within 20 days from the date of receipt of the order. That the then Public Information Officer received the above order on 05/01/2010 and in compliance of the same the then Public Information Officer vide his note No. Goa- IDC/RTIA/F-54/09-10 dated 5/01/2010 directed the Dy. G.M.(A)/APIO to furnish the information to him within 3 days to provide the same to the Applicant. That the said note was received by Dy. G.M.(A)/APIO on 08/01/2010 at 11.40 a.m. It is the case of the Opponent No. 1 that the Dy.G.M.(A)/APIO submitted the requested information to the Public Information Officer on 25/01/2010. As 26/01/2010 was a holiday on account of Republic Day. That the then Public Information Officer furnished the information to the Applicant/complainant on 27/01/2010

It is the case of Opponent NO. 2 that the Complaint is not maintainable. That Opponent No. 2 cannot be termed as deemed Public Information Officer. That no case is made out to entertain the Complainant. On merits it is the case of the Opponent No. 2 that opponent No. 2 did not violate any order passed by the Commission. That it is incorrect that opponent did not co-operate with the Complainant. That the Complainant has avoided to state as to whom he met etc. it is the case of opponent No. 2 that the Complainant did not approach the opponent No. 2 for collecting any information as alleged nor the Complainant approached the Opponent No. 2 for seeking inspection. That the Opponent No. 2 did not state that he is not S.P.I.O. and that Complainant has made frivolous allegations against the

Opponent No. 2. That the Complainant did not approach the Opponent No. 2 in pursuance of the order. That none of the grounds mentioned in the complaint are attracted that the issue of penalty is misconceived. It is also the case of the Opponent No. 2 that he did not act in breach or contrary to the observations made in the order by the Commission. In short it is the case of the Complainant that the Complaint is misconceived and not maintainable and as such liable to be dismissed.

4. Heard the arguments and perused the records.

It is seen that the Complainant, vide his application dated 09/09/2009 sought certain information from opponent No. 1 herein. That Opponent No. 1 informed the Complainant by letter dated 29/09/2009 that the said information does not come within the definition of Right to Information Act. The Appellant preferred the First Appeal and the same was dismissed. The Complainant herein preferred the second Appeal which was allowed and the Opponents were directed to furnish the information within 20 days from the date of receipt of the order.

5. It is now the grievance of the appellant that even this information has not been furnished within 20 days and that the same was furnished in parts and beyond 20 days. However according to the Complainant he has received the entire information. As far as receiving or giving information there is no dispute.

6. Now it is to be seen whether there is any delay. According to the complainant there is delay in furnishing the information. This is disputed by the Opponents. In any case in my opinion, in this case both the parties should be given an opportunity to establish their respective stands. Public Information Officer should be given an opportunity to explain and show cause in the factual matrix of this case.

7. Since information is given, no intervention of this Commission is required. Opponents are to be heard on the point of delay. Hence I pass the following order:-

...4/-

O R D E R

No intervention of this Commission is required as far as information is concerned. The Complaint is disposed off.”

Issue notice under section 20(1) of the Right to Information Act to the Opponents 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 16/11/2010. Public Information Officer shall appear for hearing.

Further inquiry posted on 16/11/2010 at 10.30 am.

Pronounced in the Commission on this 15th day of October, 2010.

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

