

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Appeal No. 179/SCIC/2010/**

Shri Bassiano Liberato da Conceicao Mascarenhas,  
H.No. 233,  
Sarzora-Salcete –Goa.

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Appellant

V/s

1) Public Information officer,  
Village Panchayat of Sarzora,  
Salcete –Goa.

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Respondent No.1.

2) Block Development Officer,  
Salcete, Margao –Goa.

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Respondent No.2.

Appellant absent. His Adv. C. Cardozo present.

Respondent No. 1 in person.

Respondent No. 2 absent.

**J U D G E M E N T**  
**(27/10/2010)**

1. The Appellant, Shri Bassiano Liberato da Conceicao Mascarenhas, has filed the present appeal praying that the records and proceeding be called for that the order be modified and penalty be imposed.

2. The brief facts leading to the present appeal are as under.

That the Appellant made an application dated 26/02/2010 under the Right to Information Act ('RTI' Act for short) for certified copy of Power of attorney dated 30/03/1998 given to one Francisco Mascarenhas which was forwarded in the office of Respondent No. 1. That by letter dated 26/03/2010 the Sarpanch of Village Panchayat Sarzora requested said Francisco whether he can issue certified copies and by reply dated 31/03/2010 said Francisco Mascarnehas requested the Sarpanch not to issue the power of attorney to any body as the same is personal document and not related to any public use. That the Respondent vide his letter dated 05/04/2010 informed the Appellant about the objection of said Francisco. That the Appellant preferred Appeal before First Appellate Authority. By order dated 10/06/2010 the FAA/Respondent No. 2 directed Respondent No. 1 to provide copy of power off attorney to the appellant within 7 days free of cost. However no penalty was granted. Being aggrieved the Appellant has preferred this appeal on various grounds as set out in the memo of appeal.

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3. The opponent resists the Complaint and the say of Respondent No. 1 is on record. It is the case of Respondent No. 1 that application dated 26/2/2010 was received. That opponent informed the said Francisco Mascarnehas and the said Francisco informed not to issue the Certified copy of the power of attorney. It is the case of Respondent No. 1 that by oversight the peon of the Panchayat put the rubber stamp of the Sarpanch under her signature. That the Appellant preferred the appeal before the First Appellate authority and in compliance of the order the Respondent No 1 by letter dated 16/06/2010, provided the said information. According to her the appeal is liable to be dismissed.

4. Heard Adv. Shri Cardozo as well as the Opponent No. 1 and perused the records. It is seen that by application dated 26/02/10, the Appellant requested for certain information i.e. power of attorney by letter dated 26/03/2010. the Respondent No. 1 informed Shri Francisco Mascarenhas and by letter dated 31/03/2010 the said Francisco Mascarenhas informed Respondent No. 1 not to issue the copy of power of attorney. It is seen that the Appellant preferred First Appeal which was allowed and thereafter by letter dated 15/06/2010 the said information was provided to the Appellant.

5. During the course of arguments, Adv. for the Appellant submitted that Appellant has received the information and that he has no grievance in so far information is concerned. His only grievances is that there is delay.

It is now to be seen whether there is delay. According to the Appellant there is delay whereas according to Respondent No. 1 there is no delay. Apparently there is some delay. However, to my mind Public Information Officer/Respondent No. 1 should be given an opportunity to explain about the same, in the factual backdrop of this case.

6. In view of the above no intervention of this commission is required, as information is already furnished to the Appellant. 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**

Appeal is allowed. No intervention of this Commission is required in so far information is concerned.

Issue notice under section 20(1) of the Right to Information Act to Respondent No.1/Public Information Officer to show cause as to why penalty action should not be taken on him/her for causing delay in furnishing information. The explanation if any should reach the Commission on or before 25/11/2010. PIO/Respondent No.1 shall appear for hearing. Further inquiry posted on 25/11/2010.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 27<sup>th</sup> day of October, 2010.

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

