

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.301/SCIC/2010**

Shri Kashinath Shetye,  
Bambino Building, Alto-Fondvem,  
Ribandar, Tiswadi – Goa.

..... Complainant.

V/s.

Public Information Officer,  
Directorate of Prosecution,  
Patto, Panaji - Goa.

..... Opponent/Respondent.

Complainant absent. Ms. Sonia Satardekar, representative of Complainant present.

Adv. K. L. Bhagat, for the Opponent in person.

**ORDER**  
**(19-10-2010)**

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 brief facts leading to the present complaint are as under:-

That the Complainant had filed an application dated 26/02/2010 under Right to Information Act, 2005 ('RTI' Act for short) thereby requesting the Public Information Officer, GSIDC 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 resists the Complaint and their reply is on record. It is the case of the Opponent that the present complaint does not fall within the ambit of section 18 of the Right to Information Act and hence ought to be dismissed in limine. That the present complaint is premature, as the Complainant has taken recourse of approaching the First Appellate Authority and on this grounds the complaint need to be dismissed. That the present case also does not fall within the ambit of transfer under section 6(3) as the Complainant cannot make application to the PIO of one department and request him to furnish information pertaining to information or document of other Government department. From the information sought it is amply clear that the Complainant was aware that all the information sought by the Complainant in its application was not available. That the PIO, Goa State Infrastructure Development Corporation Limited, Panaji –Goa, as it is apparent from the contents from its application. That it is not proper to file application to the PIO of one Department making request therein to him to obtain information from all other Government department and or transfer it to all other Government department. It is the case of the opponent that the Complainant vide his application dated 26/02/2010 addressed to the PIO GSIDC, Panaji –Goa transferred the request of the Complainant to this Public Information Officer under the provisions of section 6(3) (II) of the Right to Information Act 2005. That this Respondent vide letter dated 09/03/2010 furnished information as regard to point No. 1 to 5, 6 and 7 and further informed the Complainant to collect the information in respect of point No. 3 and 4 by depositing required amount set out in the said letter. That the said letter has been sent to the Complainant within specified time limit. It is the case of the Opponent that the Complainant despite having received the letter failed to deposit the said amount and therefore the information as regard to point No. 3 and 4 cannot be furnished to Complainant. That till this date the Complainant has not paid the said fees and therefore the above information cannot be furnished to him. It is further the case of the opponent that the grounds mentioned in the complaint

are not attracted. That this Respondent has neither refused nor deposited the information and the present complaint is without any valid ground and as such be dismissed.

4. Heard the argument of representative of the Complainant and Adv. K. L. Bhagat for Opponent and perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer G.SID.C Panaji –Goa. The PIO GSIDC transferred the application under section 6 (3) so as to give the suitable reply, to the opponent herein. It is seen that by letter dated 09/03/2010 the opponent herein informed the Complainant that there are no separate registers, however, the information is maintained in proforma given i.e. (1) Annexure I-Movement of files; (2) Annexure II-Proforma for dealing hand diary; (3) Annexure III-weekly Arrear Statement and (4) Annexure IV-Annexure to weekly Arrear statement. It was also informed that point No. 3 is ready and point NO. 4 the same is maintained and that the Complainant may collect the same after depositing the requisite fee. It appears that complainant did not collect the same nor paid the requisite fees. Considering the request and reply the same is within time i.e. within thirty days. From the reply it cannot be said that opponent failed to furnish information. However strangely, the Complaint is filed.

5. The main contention of the Complainant in the complaint is that no information is furnished to him. From the said letter and reply on record it becomes clear that Annexure –I to V have been maintained. It is to be noted here that the Complainant did not collect the reply nor pay the requisite fees yet rushed to the present forum by way of Complaint. In this factual backdrop this complaint is not at all maintainable. However, I would not touch this aspect much.

6. I have perused the said circular dated 09/06/2009 xerox copy of which is on record. The same aims at speedy disposal of files and curtails delays and to some

extent shows accountability. In any case there is no harm if this is implemented by the office of the opponent herein. Adv. for opponent also submits that opponent shall follow the said circular. In fact the opponent is maintaining F.M.I. in five annexures.

7. Adv. for opponent contends that complaint is premature and not maintainable. I do agree with this contention.

8. In my view the Complainant should collect the information on payment of required fees.

In view of all the above I pass the following order:-

**ORDER**

The Opponent to follow the said circular dated 09/06/2009 and maintain the File Movement Index as per the same. The Complainant on his part to collect the said information on payment of requisite fee within 15 days from the receipt of the order.

Pronounced in this Commission on this 19<sup>th</sup> day of October, 2010.

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





