

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

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

**Complaint No. 110/SCIC/2010**

Shri Kashinath Shetye,  
Bambino Bldg,  
Alto, Fondvem, Raibandar.

....

Complainant.

V/s

The Public Information Officer,  
Dte of Accounts,  
Panaji –Goa.

....

Opponent.

Complainant absent. His representative Ms. S. Satardekar present.  
Opponent present.

**O R D E R**  
(04/11/2010)

1. The Complainant, Shri Kashinath Shetye, has filed the present complaint praying that the information as requested by the Complainant be furnished to him correctly; that penalty be imposed on the PIO as per law; that compensation be granted and that inspection of documents may be allowed as per law.

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

That the Complainant had filed an application dated 09/06/2009 under Right to Information Act 2005 ('RTI' Act for short) thereby requesting the Public Information Officer ('PIO') Electricity Department to issue information specified therein, which was transferred as per section 6(3) of the RTI Act to the Opponent. That the opponent failed to furnish the required information as per the application of the Complainant and further no inspection of information was allowed. Being aggrieved by the non-action of the RTI Act the Complainant has preferred the present complaint on various grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the reply is on record. It is the case of the Opponent that the present complaint is not maintainable as the letter dated 09/06/2009 is in the form of Complaint-cum-information which cannot be

...2/-

entertained in the eyes of law under RTI Act. That the same is signed by the complainant in his official capacity. That the Complainant is not at all aggrieved by the order dated 16/06/2009. On merits it is the case of the opponent that the application is in the form of complaint cum information. The opponent denies the complaint and grounds mentioned therein being false. It is further the case of the opponent that the application dated 09/06/2009 was transferred to the Executive Engineer PWD Div-1 in terms of section 6(3) of the Right to Information Act vide letter dated 16/06/2009. That subsequently the Exe. Engineer Div-I vide letter dated 17/07/2009 requested the Complainant to collect the information and to inspect the files. That, thereafter, this opponent is not aware of about subsequent facts.

4. Heard the arguments of the parties and perused the records. It is seen that the application dated 09/06/2009 styled as complaint for increase of Load without permission/Information under Right to Information Act 2005. The same was addressed to the Chief Electrical Engineer and Public Information Officer, the Executive Engineer (procurement) Electricity Department. It is seen that PIO/Exe. Eng.(Proc) vide letter dated 12/06/2009 transferred the said application to the opponent herein. The opponent, vide letter dated 16/06/2009 transferred the said request to the Executive Engineer WD.I (PWD), Panaji/PIO as the matter pertained to their department. The Complainant was accordingly informed of these transfers. By letter dated 17/07/2009 Executive Engineer works Div-I PWD informed the Complainant to collect the information available in their office and to inspect the concerned files. It appears that the Complainant did not collect the information instead filed the present complaint on 18/02/2010 that is after almost 6 months.

It is seen that there is no order as such but on 16/06/2009 the opponent transferred the application of the Complainant to another authority who could provide the information.

...3/-

5. It is the contention of the Complainant in the complaint that order dated 16/06/2009 is against RTI Act. As observed above there is no order as such. However under section 6(3) such transfer is permitted.

6. In the reply it is mentioned that complaint is not maintainable. I do agree with this contention. However I would not touch this aspect herein.

7. It is seen that information was kept ready. The Complainant ought to have collected the same. In any case the complainant can collect the same now from the concerned Department. The concerned department is not before this Commission. Therefore, the complainant should collect the information from the concerned department, on payment of required charges.

It is to be noted that application seeking information ought to be clear. Normally the Complaint goes to concerned officer and under Right to Information Act to the Public Information officer only.

8. Coming to the prayer. Prayer (i) cannot be granted in view of the above, so also the question of compensation.

9. In view of the above, the following order is passed.

### **O R D E R**

The Complainant to approach the concerned department and collect the information. The complainant to inform the concerned Department i.e. Executive Engineer WDI (PWD) Panaii, PIO. within 15days from the receipt of this order and thereafter collect the information.

Inspection, if any, can be given on a mutually agreed date.

Complaint is accordingly disposed off.

Pronounced in the Commission on this 4<sup>th</sup> day of November, 2010.

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

