

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

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

Appeal No.149/SCIC/2010

Shri G. D. Phadte,  
898, Nila Niwas,  
Alto Torda, Porvorim.

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Appellant

V/s

1) The Public Information Officer,  
Secretary,  
Penhade Franca,  
Village Panchayat,  
Britona , Bardez –Goa.

...

Respondent No.1.

2) The Block Development Officer,  
Bardez, Mapusa-Goa.

...

Respondent No.2

Appellant absent.  
Respondent No. 1 present.  
Respondent No.2 absent.

**J U D G M E N T**  
(18/11/2010)

1. The Appellant, Shri G. D. Phadte, has preferred this appeal praying that Public Information Officer/Respondent No. 1 be directed to provide information; for imposing penalty and also for disciplinary action.

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

That the Appellant, vide his application dated 17/03/2010 sought certain information under Right to Information Act 2005('RTI' Act for short) from the Public Information Officer (PIO)/Respondent No. 1. That the PIO failed to provide the information within the prescribed time. Hence the appellant preferred the First appeal before Respondent No. 2. By order dated 10/05/2010 the First Appellate Authority ordered the PIO to furnish the information and inspection of records within 7 days. It is the case of the Appellant that PIO neglected the Order of FAA. Being aggrieved the Appellant has preferred the present Appeal.

3. That Respondents resist the appeal and reply of Respondent No. 1 is on record. It is the case of Respondent No. 1 that Appellant sought certain information vide his letter dated 17/03/2010. that the available documents were issued to the Appellant on 27/05/2010 duly acknowledged by the Appellant. That some clarification was also

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issued to the Appellant on 05/08/2010. According to the Respondent No.1 proceedings ought to be dropped.

4. Heard the Appellant and the Respondent No. 1. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The points that arises for my consideration are whether the information is furnished and whether there is any delay in furnishing the information?

It is seen that information was sought on 17/03/2010 and the available information was furnished on 27/05/2010. During the course of his arguments the Appellant submitted that he has received the information. His only grievance is that the same is granted after much delay.

5. Now it is to be seen whether there is any delay. According to the Appellant there is delay. But according to Respondent No. 1 there is no delay. Considering the application and reply apparently there is some delay. However P.I.O/Respondent No.1 should be given an opportunity to explain that the same was not intentional, malafide in the factual matrix of this case.

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

**O R D E R**

Appeal is partly allowed since information is furnished no intervention of this aspect is required.

Issue notice under section 20(1) of the Right to Information Act to the Respondent No.1/PIO to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation if any, should reach the Commission on or before 28/12/2010. PIO/Respondent No. 1 shall appear for hearing.

Further inquiry posted on 28/12/2010 at 10.30 am.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 18<sup>th</sup> day of November, 2010.

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



