

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 527/SCIC/2010

Mrs. Clementina Moraes,
C/o Albert Francis Joao,
H.No. 246, Nr. Shantabhan Complex,
Chimbel Road, Mercedes –Goa.

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Complainant

V/s

Assistant Public Information Officer,
Sub-Divisional Engineer,
Electricity SD-I (R),
Corlim –Goa.

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Opponent.

Complainant absent. Her Adv. Shri N. Manerkar present.

Opponent absent.

APIO Shri D. Bandekar present.

O R D E R

(02/12/2010)

1. The Complainant, Smt. Clementina Moraes, has filed this Complaint praying for information sought and also for imposing penalty and disciplinary action.

2. It is the case of the Complainant that she filed an application dated 12/01/2010 requesting certain information under Right to Information Act 2005('RTI' Act for short) from the Chief Electrical Engineer, Electricity Department Govt. Of Goa. That the said Application was directed to the Assistant Public Information officer Sub-Divisional Engineer, Electricity SD-I ® by the Public Information Officer ('PIO'). That by letter dated 27/01/2010 the PIO was pleased to inform the Asst. PIO to furnish the documents to the Complainant on payment of the required charges. That the complainant deposited Rs. 7000/- as fees. That period of 30 days expired on 13/02/2010. That some documents were furnished by APIO. That information was furnished on four occasions in a piece meal manner but beyond 30 days. That the copies of cash book have not been furnished to the complainant till date. It is the case of the Complainant that the documents were not properly given. That APIO abused the powers vested in him by furnishing the documents in a piece meal manner and that too on four different occasions and further partly furnishing information. Being aggrieved the Complainant has filed the present complaint.

3. The opponent resists the Complaint and the reply is on record. It is the case of the opponent that on 15/01/2010 letter from SPIO was received in the office of APIO to provide information as requested by the Complainant. That on 22/01/2010 APIO had written to the SPIO seeking more time since the documents desired by the Complainant were voluminous in nature, however, the SPIO denied the request and instructed to keep the documents ready for inspection by the Complainant and to furnish after the payment. That vide letter dated 09/02/2010 the SPIO stated that the applicant has effected the payment of Rs. 7000/- on 08/02/2010. That on 11/02/2010, 2166 pages of Xerox copies of documents have been submitted to SPIO and on 17/02/2010 additional 303 copies of cheque Register and DCCR register have been submitted to SPIO. That on 11/3/2010 539 copies of documents have been submitted by SPIO and on 28/11/2010 some other documents were submitted to SPIO. It is the case of the opponent that on 26/05/2010 copies of cash book were returned back by SPIO stating that some of the documents are incomplete and on 18/06/2010 the same were re-submitted duly corrected and signed. That whatever portion did not figure in Xerox copy was handwritten in margin. It is further the case of the Opponent that the delay caused is due to submission of documents from I.I.U and availability of Xerox Machine in addition to normal office work.

4. Heard the arguments. Adv. N. Manerker argued on behalf Complainant and opponent argued in person. I have carefully gone through the records of the case.

It is seen that vide application dated 12/01/2010 the Complainant sought certain information from the Chief Electrical Engineer. It is seen the PIO Executive Engineer Div I Panaji. The said application was sent to APIO, the opponent herein. It is seen that PIO is not the party in this complaint. By letter dated 05/02/2010 the complainant was to pay the fees/charges and accordingly the Complainant deposited Rs. 7000/- on 08/02/2010. It is seen that some documents were furnished on 17/02/2010 and some later on as can be seen from the records. I have also perused the order of the Authority.

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5. During the course of the arguments Adv. for Complainant states that the Complainant has received full information and that complainant has no any grievance as far as information is concerned. However according to him the same was received late and in piece meal manner.

Since information is furnished no intervention of this Commission is required.

6. Now it is to be seen whether there is any delay in furnishing the information. It is to be noted here that RTI Act, in general, is the time bound programme between Administration and the citizen requesting information and every step will have to be completed within time, presentation of request and disposal of the same and presentation of first appeal and disposal by the Appellate Authority.

According to the Adv. for complainant there is delay. However according to opponent there is no delay and he referred to his reply. In any case PIO and/or opponent should be given an opportunity to explain the same in the factual matrix of this case.

7. in view of the above, since information is furnished no further intervention of this Commission is required. Since there is delay the opponent is to be heard on the same. Hence, I pass the following order:-

ORDER

No intervention of this Commission is required as information is furnished. Prayer (b) is to be granted.

Issue notice under section 20(1) of the RTI Act to the Opponent to show cause why penalty action should not be taken against them for causing delay in furnishing information. The explanation, if any, should reach the Commission on 14/01/2011. The Opponent shall appear for hearing.

Further inquiry posted on 14/01/2010.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 2nd day of December 2010.

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

