

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 503/SIC/2010**

Shri Raghunath N. Kauthankar,  
F. No. A-3, Kancho Apts.,  
Opp. Government High School,  
Aquem-Alto, Margao,  
Salcete – Goa

...

Complainant

V/s

1) Public Information Officer,  
Dy. Collector & SDO,  
Sub-Division Margao,  
Salcete – Goa

...

Opponent No.1

2) Additional Collector-I,  
First Appellate Authority,  
South Goa District,  
Margao – Goa

...

Opponent No. 2

Complainant alongwith Adv. Ms. S. Devshekar.  
Shri Anish Prabhudessai, representative of the Opponent No. 1.

**O R D E R**  
**(14.01.2011)**

1. The Complainant, Shri Raghunath N. Kauthankar, has filed this Complaint praying that appropriate inquiry be initiated. That Opponent No. 1 be directed to furnish the information and that penalty action be taken against the Opponent No. 1.

2. The facts leading to the present Complaint are as under:

That the Complainant, vide his Application dated 09.02.2010 sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer ('P.I.O.)/Respondent No. 1. Although the Opponent No. 1 duly received the said application on 09.02.2010, the Respondent No. 1 failed and neglected to provide the information or give his decision on the request for information. Being not satisfied the Complainant filed an appeal before the First Appellate Authority/Opponent No. 2. That by order dated 13.04.2010 Opponent No. 2 directed the Respondent No. 1 to provide the information as requested by the

...2/-

Complainant under the said application. Being aggrieved by the said deemed refusal of the request and further failure to comply with the order of the Opponent No. 2, the Complainant filed the present Complaint on various grounds as set out in the Complaint.

3. The Opponent No. 1 resists the Complaint and the reply is on record. It is the case of the Opponent No. 1 that application was received, however, due to exigencies of office work the information could not be supplied to the Complainant. That the information was being furnished. It is also the case of the Opponent No. 1 that at the time of filing application there was enormous work of census and work pertaining to election for Zilla Panchayats and hence some delay was caused.

4. Heard Adv. S. Devshekar for Complainant. Shri Anish Prabhudessai, representative of Opponent No. 1 submitted that he relies on the reply which is on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced and reply on record. The short point that arises for my consideration is whether the information is furnished and whether the same is in time?

During the course of the arguments Advocate for the complainant submits that the information is received. From the records also it is seen that information has been furnished. Since information is furnished no further intervention of this commission is required.

6. Now it is to be seen whether there is any delay in furnishing the information.

It is pertinent to note that, R.T.I. Act, in general, is the time bound programme between the Administration and the citizen requesting information and

every step will have to be completed within the time for presentation of request and disposal of the same, presentation of First Appeal and disposal by the First Appellate Authority.

Advocate for the Complainant vehemently states that there is inordinate delay in furnishing information. According to her the same is to be penalized. As per the reply furnished the Opponent No. 1 attributes delay to the exigencies of work, etc. In any case there is some delay in furnishing information. However, Public Information Officer should be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of the above, since information is furnished no intervention of this Commission is required. Since there is delay Opponent No. 1 is to be heard on the same. Hence, I pass the following order:

**ORDER**

The Complaint is partly allowed. No intervention of this Commission is required as information is furnished. Prayer (c) is to be granted.

Issue notice under section 20(1) of the R.T.I. Act to Opponent No. 1/Public Information Officer 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 24.02.2011. Public Information Officer/Opponent No. 1 shall appear for hearing.

Further inquiry posted on 24.02.2011 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 14<sup>th</sup> day of January, 2011.

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

