

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 97/SCIC/2010**

Shri Laxmikant S. Prabhudessai,  
H. No. 583 at Molorem,  
Khola via Cuncolim,  
Post Canaguinim – Goa – 403 703

..... Complainant,

V/s.

Public Information Officer,  
Secretary,  
Village Panchayat Khola,  
Canacona – Goa

..... Opponent

Shri S. Porob for the Complainant.  
Opponent No.1 and 2 absent.

## **O R D E R** (10/01/2011)

1. The Complainant, Shri Laxmikant S. Prabhudessai, has filed the present Complaint praying for a direction to provide the information asked free of cost; that penalty be imposed and disciplinary proceedings be initiated.
2. It is the case of the Complainant that, by application dated 12/10/2009, the Complainant sought certain information from the Public Information Officer (PIO)/Opponent herein under the Right to Information Act 2005 ('RTI') Act for short). However, he did not receive any information. Since information was not furnished he filed the present Complaint.
3. The case of the opponent is set out in the reply/written statement which is on record. It is the case of the Opponent that the present Complaint is not maintainable under section 18 of the Right to Information Act since the grievance of the complainant ought to have placed before concerned officer and not to approach this Commission. On merits it is the case of the opponent that on receipt of the application he prepared the information to be furnished to the Complainant on 10/11/2009. That after verification of the application filed by the Complainant it was noticed that the complainant has requested to furnish the information by registered

post. That the complainant has not included the actual postal charges required to be paid for receiving information by registered post. It is the case of the opponent that the information which was prepared for furnishing the application was kept in the Panchayat and even the concerned clerk was instructed to handover the same to the complainant, in case the Complainant approaches Panchayat. That the Complainant did not turn-up in the Panchayat to collect the information nor made any arrangement to pay the actual postal charges to send the same by registered post. That the allegations in the complaint that opponent did not furnish the information to the Complainant are not correct. That the non-furnishing of information was not deliberate and intentional.

4. It is seen that on 31/05/2010 Complainant remained absent. Again on 14/06/2010 the complainant was absent and on both occasions opponent was present. Notice was issued to the complainant but he remained absent. Opponent filed written arguments. Thereafter on two hearings complainant and opponent were present. From 06/09/2010 till date Complainant and also opponent are absent. Matter was posted for order, however, order was not passed. Notice was issued again but parties remained absent. It appears parties are not interested. In any case I am deciding the matter on the basis of the record.

5. I have carefully gone through the records of the case and also considered the written arguments on record.

It is seen that the Complainant, vide application dated 10-10-2009 which was received on 12/10/2009 sought certain information from the opponent. The request is to send the information by Registered post. It is seen that information was kept ready. I have seen the reply dated 10/11/2009 from the record. It is seen that information was not furnished, as complainant did not come. It is seen that postal charges were not paid and as such the same was not sent.

It is seen that information is furnished so the intervention of this Commission is not required.

6. Now it is to be seen whether there is delay in furnishing the information. Admittedly there is delay in furnishing the information. The only thing to be seen is whether the same is deliberate and/or intentional. Both in the written statement and written arguments the opponent has explained how delay occurred. It is to be noted here that the Complainant had requested to send the information by Registered post. However no postal charges were paid or sent. This statement is unchallenged and uncontroverted. In any case and under the circumstances it is to be held that delay is not deliberate and intentional. However, the PIO is warned that he should be more careful in future in perusing the application. In the factual matrix of this case the delay is to be condoned.

6. In view of all this since information is furnished no intervention of this Commission is required. Hence I pass the following order:-

**O R D E R**

No intervention of this Commission is required as information is furnished. The Complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 10<sup>th</sup> day of January, 2010.

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



