

# GOA STATE INFORMATION COMMISSION

## **AT PANAJI**

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

**Complainant No.462/SCIC/2010**

Mr. Rudresh S.Naik,  
R/o Radha Bldg, 2<sup>nd</sup> flr.,  
Nr. Market, Panaji –Goa.

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Complainant.

V/S  
Public Information Officer,  
Goa Coastal Zone Management Authority,  
Saligao

...

Opponent.

Complainant absent. His representative Shri Rupesh Porob persent.  
Opponent present.

### **O R D E R** **(11/01/2011)**

1. The Complainant, Rudresh Naik, has filed the present complaint praying that opponent be directed to furnish the information sought by him as per application dated 16/05/2010 and that the same be furnished free of cost, that the opponent be held under disciplinary action for deliberately not entertaining his application etc and for penalty against opponent.

2. It is the case of the Complainant that, vide his application dated 16/05/2010, he requested for certain information under Right to Information Act 2005 ('RTI' Act for short) from the Public Information Officer ('PIO')/Opponent. That the opponent failed to furnish or knowingly did not furnish the information to the complainant with malafide intention. Since the opponent has failed to furnish the information the Complainant has filed the present complaint.

3. The Opponent resists the Complaint and their reply is on record. It is the case of the opponent that the opponent has been appointed as PIO since 10/06/2010. That the application seeking information was received on 17/05/2010 and the information sought relates to the certified copies of NOC's issued by GCZMA. to all jetties constructed on the banks of the river Mandovi and Zuari and certified copies of the NOC's issued by the GCZMA to all barge loading berthing points in the river Mandovi and Zuari. That the present Complaint filed on 18/06/2010 and that too without filing any appeal before First Appellate Authority and that he deliberately

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avoided F.A.A. That much time was required to compile the information as it was a very exhaustive list. It is also the case of the opponent that whenever information is sought the same is provided instantly by the opponent, however, the information sought for is far too exhaustive as no specific date is mentioned. The opponent prays that the delay be condoned.

4. Rejoinder to reply has been filed by the Complainant. In the said rejoinder the Complainant states about delay in furnishing the information.

Reply to the Rejoinder by the opponent is also on record.

It is also the case of the opponent that time was sought with the consent of the Complainant and the Complainant had agreed to the same.

5. Heard both sides and perused the records. During the course of hearing Shri Rupesh Porob, representative of the Complainant stated that the complainant has received the full information. The Complainant is satisfied with the same and that complainant has no any grievance. He wants the matter to be disposed.

6. It is seen from the record that application is dated 16/05/2010 and the same was received in the office on 17/05/2010. It is seen from the record that at the relevant time, there was no PIO. The PIO was appointed only on 10/06/2010. Exhibit- A is the relevant part of Govt. gazette. Thereafter application was taken. According to opponent information sought was exhaustive and as such it took some time.

7. I need not refer to rejoinder, reply of the opponent to the rejoinder etc in detail as admittedly there is delay in furnishing information. It is seen from the record that by letter dated 11/06/2010 the opponent informed the complainant that opponent has taken charge on 10/06/2010 and the information sought by him was vast and extensive and their office was not in a position to submit the requested information in the stipulated time frame. The complainant filed the complaint on 18/06/2010.

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In the reply to the rejoinder the Opponent has explained in detail, however, I need not refer to the same herein.

8. Under section 20(1) of the RTI Act the Information Commission must satisfy itself that C.P.I.O/S.P.I.O has without reasonable cause: (i) refused to receive an application; (ii) not furnished information within the specified time frame; (iii) malafidely denied information; (iv) knowingly given incorrect, incomplete or misleading information. PIO/Opponent has given explanation about delay. Besides the complainant has no grievance. From all these I am inclined to agree with the PIO. that delay caused was not deliberate or without reasonable cause. Besides malafides cannot be attributed to the same. Since complete information is furnished and complainant has no grievance and that the PIO has stated that such delays would not be in future I am inclined to condone the delay.

9. Since information is furnished no further intervention of this Commission is required. Hence I pass the following order:-

**O R D E R**

No further 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 11<sup>th</sup> day of January, 2011.

Sd/-  
(M. S. Keny)  
State Information Commission