

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complainant No.459/SCIC/2010

Mr. Rudresh S.Naik,
R/o Radha Bldg, 2nd 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 present.
Opponent present.

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

1. The Complainant, Shri Rudresh S. Naik, has filed the present complaint praying that opponent be directed to furnish the information sought by him in accordance with his application dated 15/05/2010 and the same be furnished free of cost; that the opponent be held under disciplinary action and that penalty be imposed on the opponent.

2. It is the case of the Complainant that, vide application dated 15/01/2010, the complainant sought certain information, under Right to Information Act 2005 ('RTI' Act for short) from the opponent/Public Information Officer (PIO). That the opponent has failed and or has knowingly not furnished the information to this complainant with malafide intention of denying the request. That since information was not furnished the complainant preferred the present complaint.

3. It is the case of the opponent that the opponent has been appointed as a PIO. Since 10/06/2010. That complainant is not maintainable and that First appeal is not preferred. That the Complainant has made letter in different names of different persons all having the same address and sought information so as to conceal his true identity. That the information sought has been furnished.

4. Rejoinder of the complainant and reply to the rejoinder of opponent is on record.

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5. Heard both sides and perused the records. During the course of hearing Shri Rupesh Porobo, representative of the Complainant has received full information and that complainant is satisfied and he has no grievance. He prays that matter be disposed off.

6. It is seen that the application is dated 16/05/2010. It is seen from record that at the relevant time, there was no Public Information Officer. The PIO was appointed only on 10/06/2010. Thereafter application was taken. Relevant part of the gazette is on record.

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.

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 11th day of January, 2011.

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

