

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 461/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 Costal Zone,
Management Authority,
Saligao –Goa.

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Opponent.

Complainant absent. His representative Shri Rupesh Porob present.
Adv. Shri Y. Naik for the Complainant present.
Opponent in person.

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 complainant in accordance with the application dated 16/05/2010 and the said information be furnished free of charge; that the opponent be held under disciplinary action for deliberately not attending his application and obstructing the access to the information and that penalty be imposed in terms of section 20 of the Right to information Act.
2. It is the case of the Complainant that, vide his application dated 16/05/2010. He sought certain information under Right to Information Act, 2005('RTI' Act for short) from the Public Information Officer ('PIO')/Opponent. That the opponent has failed or has knowingly not furnished the information with the malafide intention of denying the request. Since, the information is not furnished the complainant preferred the present complaint.
3. The Opponent resists the complaint and the reply of the opponent is on record. It is the case of the opponent that opponent has been appointed as Public

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Information Officer since, 10/06/2010. That the application under Right to Information Act was received on 17/05/2010. The complainant subsequently files the complaint dated 18/06/2010. It is the case of the opponent that the complainant could have preferred the First Appeal before the First Appellate Authority instead he has filed the present complaint and that the opponent has deliberately avoided approaching the FAA. That the Complainant has made letters in different names of different persons all having the same address to this department and sought for information so as to conceal true identity. It is also the case of the opponent that whenever information is sought the same is provided instantly by the office of the opponent. In short the information is furnished and the opponent prays that the delay be condone.

4. Rejoinder filed by complainant and reply of the opponent to the rejoinder are on record.

5. Heard both sides and perused the record. During the course of the hearing 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 off.

6. It is seen from the records that vide application dated 16/05/2010; the complainant sought certain information i.e. certified copy of the NOC's issue by GCZMA in the year 2010. The said application was received at the office of the opponent on 17/05/2010. It is seen from the records that at the relevant time there was no Public Information Officer. The PIO was appointed only on 10/06/2010 exhibit 'A' is relevant part of Government Gazette. Thereafter application was taken.

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.

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)
Chief Information Commission

