

GOA STATE INFORMATION COMMISSION  
AT PANAJI

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

**Complaint No.504/SIC/2010**

Shri Jacinto Sequeira,  
Bonglo De Jacinto,  
Tivim, Auchit Vaddo,  
Bardez –Goa.  
V/s

Complainant

- 1) The public Information Officer,  
Administrator of Comunidades,  
North Goa, Mapusa.
- 2) Anand S. Naik,  
Acting Secretary & Asst. State PIO,  
Comunidades Bardez.
- 3) Amarsen Waman Rao Rane,  
Addl. Collector II & First Appellate Authority,  
Collectorate Office,  
Panaji-Goa.

Opponent(s)

Complainant in person.

Opponent No. 1, 2 and 3 absent.

Adv. Bhosale for Respondent No.1 present.

**O R D E R**  
**(01/02/2011)**

1. The Complainant, Shri Jacinto Sequeira, has filed the present complaint praying for imposing penalty for failing to provide information within time limit and for compensation and other reliefs.

2. The brief facts leading to the present complaint are as under:-

That the complainant, vide his application dated 27/04/2010, under Right to Information Act 2005 ('RTI' Act for short) sought certain information from the Public Information Officer (PIO)/Opponent No. 1. However no information was furnished. That opponent No. 2 furnished the information only on 14/06/2010 that is after filing appeal. Since the Appellate Authority failed to impose penalty the complainant filed the present complaint on various grounds as set out in the complaint.

3. In pursuance of the notice Adv. Shri K. H. Bhosale appeared on behalf of the opponent No.1/PIO.

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4. Heard both sides and perused the records. It is seen that, vide application dated 27/04/2010 the complainant sought certain information from the opponent No. 1. It appears that the same was not furnished and hence the complainant preferred the appeal before the First Appellate Authority. However, the information was furnished on 14/06/2010. The grievance of the Complainant is that no penalty was imposed and hence the present complaint.

5. It is pertinent to note that RTI 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 Appellate authority.

To be noted further power of penal action lies with the Commission under the Act.

6. Now it is to be seen whether there is any delay. According to the Complainant there is delay. According to Advocate for the opponent No.1 that the same is not intentional. Apparently there is some delay. However, the PIO/Opponent should be given an opportunity to explain that the same was not intentional, Malafide etc in the factual matrix of this case.

7. In view of the above and since there is delay the opponent is to be heard on the same. Hence I pass the following order:-

### **ORDER**

Issue notice under section 20(1) of the RTI Act to opponent No.1/PIO to show cause why penal action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 09/03/2011. The Public Information Officer/Opponent No.1 shall appear for hearing.

Further inquiry posted on 09/03/2011 at 10.30 am.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 1<sup>st</sup> day of February, 2011.

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

