

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 92/SIC/2010

Mr. Nilesh Yeshwant Pednekar,
C/o. Yeshwant B. Pednekar,
H. No. 367, Tintowado, Nerul,
Bardez – Goa

... Appellant.

V/s.

1) Public Information Officer,
Administrator, N. M. Gad,
Office of Administrator of Comunidade,
North Zone, Mapusa,
Bardez – Goa

... Respondent No. 1.

2) First Appellate Authority,
Additional Collector-II,
North Goa,
Panaji – Goa

... Respondent No. 2.

Adv. Atish Mandrekar for Appellant.

Adv. K. H. Bhosale for Respondent No. 1.

J U D G M E N T
(28.02.2011)

1. The Appellant, Shri Nilesh Yeshwant Pednekar, has filed the present Appeal praying that the information as requested by him in his application dated 22.09.2009 be furnished to him correctly and fully without reserving any information to save any person. That action be taken on the Public Information Officer for not providing full information and inspection of records within stipulated time limit; that penalty be imposed in terms of section 20 of RTI Act; that disciplinary action may be initiated against the PIO; that compensation be given to the Appellant and that no fees be charged as under section 7(6) of RTI Act.

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

That the Appellant, vide his application dated 22.09.2009 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from Respondent No. 1/Public Information Officer (PIO). That the application was complete in all respect and was submitted in person and the same was accepted in the office of Respondent No. 1. That unsatisfactory reply dated 16.10.2009 was received from the PIO. Being not satisfied the Appellant preferred the First Appeal against deemed refusal. That part information was furnished by the Respondent No. 1 during the hearing of First Appeal and that the same was vague, inconclusive and evasive. That the Respondent No. 1 has miserably failed to meet the objective of RTI Act, 2005 by not providing complete and correct information as per the application. That the First Appellate Authority by Judgment and Order dated 14.12.2009 directed the Respondent No. 1 to furnish the required information as per the application dated 22.09.2009 within fifteen days. It is further the case of the Appellant that Respondent No. 1 has not complied with the Orders of First Appellate Authority/Respondent No. 2 to provide the complete and correct information within the time limit specified in the Order passed in First Appeal. Being aggrieved the Appellant has filed the present Appeal on various grounds as set out in the Memo of Appeal. The case of the Respondent is fully set out in the reply which is on record. In short, it is the case of the Respondent that they received the application seeking information. That the reply dated 16.10.2009 confirms that information has been received by the Appellant which may not be satisfactory to him. Respondent No. 1 admits to filing the Appeal but denies about deemed refusal. It is the case of the Respondent that the information received from Comunidade of Pilerne was forwarded to the Appellant in good faith and as such his allegation that it was vague, inconclusive and evasive is not correct. That the PIO has tried to provide information in good faith and as per Order passed by FAA that all information was provided. However, information in respect of point No. 10 being voluminous, access was provided to inspect the files. The Respondent No. 1 denies the

grounds set out in the Appeal. According to the Respondent Appeal is liable to be dismissed.

4. Heard the arguments. The learned Adv. Shri A. Mandrekar argued on behalf of Appellant and the learned Adv. Shri K. H. Bhosale argued on behalf of Respondent No. 1.

Advocate for Appellant referred to the facts of the case. He submitted that the information is furnished. However, PIO is not diligent in disposal of applications. He referred to the reply on record as well as Order of FAA. He next submitted that there is delay. He also relied on certain rulings, Xerox copies of which are on record. According to him there is delay in furnishing the information.

Advocate for Respondent No. 1 also referred to the facts of the case. According to him PIO in order to help and save time directed the APIO to inform as PIO was busy in other cases. He also submitted that there is no delay as such and information was furnished in time. According to him Appeal is liable to be dismissed.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the Advocates of the parties. The point that arises for my consideration is whether the relief prayed for is to be granted or not?

It is seen that the Appellant, vide his application dated 22.03.2009, sought certain information from Respondent No. 1. The information consisted of certified copies from item at Sr. No. 1 to 10. By letter dated 24.08.2009 the said request was transferred to the Registrar, Comunidade of Pilerne. It appears that no information was furnished within the stipulated period. Hence, Appellant preferred Appeal before First Appellate Authority on 03.11.2009. By order dated 14.12.2009 the F.A.A. directed Respondent No. 1 to furnish the information. It is seen that by letter dated 11.12.2009 the Respondent No. 1 furnished the

information. I have also perused the letter dated 30.12.2009 which is on record. As per the same it is mentioned that information at point No. 1 to 9 has already been furnished to the Appellant and the information at point No. 10 is voluminous, non-specific and needs to be compiled. The Appellant by the same letter was requested to attend the office, peruse the files and take extracts of the information.

6. It is now the case of the Appellant that information is not furnished fully and the same was not given within the statutory period. It is also contended that A.P.I.O. furnished the information.

According to Advocate for Respondent No. 1 that P.I.O in order to save time informed A.P.I.O to furnish the information. He also submitted that Administrator is trying to furnish information.

Admittedly some information is furnished and some has not been furnished as per the letter dated 30.12.2009.

7. Now it is to be seen whether there is any delay in furnishing information. The Application is dated 22.09.2009 and as per records the letter is dated 11.12.2009. Apparently there is some delay. However to my mind the Public Information Officer/P.I.O. should be given an opportunity to explain the same in the factual backdrop of this case.

8. In view of the above, the Respondent No. 1 to furnish whatever remaining information. Regarding delay the Respondent No. 1 to be heard on the same. Hence, I pass the following Order:

ORDER

Appeal is allowed. The Respondent No. 1 is hereby directed to furnish the remaining information as requested by the Appellant, vide his

application dated 22.09.2009, within twenty days from the receipt of this order.

Inspection, if any, be given on a mutually agreed date.

Issue notice under section 20(1) of the Right to Information Act to Respondent No. 1/Public Information Officer to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 13.04.2011. Public Information Officer/Respondent No. 1 shall appear for hearing.

Further inquiry posted on 13.04.2011 at 10:30a.m.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 28th day of February, 2011.

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

