

GOA STATE INFORMATION COMMISSION
AT PANAJI - GOA

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

Appeal No.239/SCIC/2010

Shri Nishant Gurudas Sawant
Mahalaxmi Bandora,
Ponda –Goa.

... Complainant.

V/s

- 1) The State Public Information Officer,
North Goa Zilla Panchayat,
Junta House, Panaji –Goa.
- 2) The First Appellate Authority,
North Goa Zilla Panchayat,
Junta House, Panaji –Goa.

... Respondent No. 1

... Respondent No.2.

Appellant in person..
Respondent No. 1 present.
Respondent No. 2absent..

O R D E R
(21/03/2011)

1. The Appellant, Nishant Gurudas Sawant, has filed the present appeal praying that the Respondent No. I and II be directed to Act provide information free of cost as applied by Appellant by his application dated 30/03/2010; that Respondent No. 1 be directed to act according to clauses (a) and (b) of section 4 particularly clause (b) and that penalty be imposed on Respondent No.1.

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

That the Appellant, vide his application dated 30/03/2010, sought certain information under Right to Information Act 2005 ('RTI' Act for short) from Respondent No. 1/Public Information officer (PIO). That the Appellant did not receive any decision within the time specified in the Act. Being not satisfied the Appellant preferred an appeal before the First Appellate Authority (FAA) Respondent No. 2. By order dated 09/07/2010 the FAA directed to furnish the information. Since information, has not been furnished the Appellant has preferred the present appeal.

...2/-

3. The Respondents were duly served and in pursuance of the same they appeared.

4. Heard both sides. During the course of arguments Respondent NO. 1 submitted that information has been furnished. Appellant also states that he has received information. According to him there is delay in furnishing information.

5. Now it is to be seen whether there is delay or not. It is seen that application seeking information is dated 30/03/2010. By letter dated 23/04/2010 the Public Information Officer requested the Appellant to attend the office to pay the necessary fees in order to provide certified copies of the information desired by him. From the records it is not known whether the Appellant attended the office or not. By letter dated 24/05/2010 PIO again requested the Appellant to deposit fees. The fees were in fact paid on 04/06/2010. Again there is a letter dated 19/07/2010 whereby Appellant was requested to collect the necessary documents as sought by him and as per order. Again there is nothing on record to show whether the Appellant went to collect or not. It appears that there is lack of interest on the part of the Appellant to receive the information, which should have been his primary concern. In any case Public Information Officer should be given an opportunity to explain the same in the factual backdrop of this case.

6. In view of all the above, since information is furnished no intervention of this Commission is required. However Respondent no. 1 is to be heard regarding delay. Hence I pass the following order:-

ORDER

No intervention of this Commission is required as information is furnished. The Appeal is disposed off.

Issue notice under section 20(1) of the RTI 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 the information. The explanation, if any, should reach the Commission on or before 29/04/2011. The Opponent/Public Information Officer shall appear for hearing.

Further inquiry posted on 29/04/2011 at 10.30 am.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 21st day of March , 2011.

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

