

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 248/SCIC/2010

Shri Octaviano Rodrigues,
12/2684, Marlem Road,
Behind St. Joaquim Chapel,
Borda,
P.O. Fatoda-Goa

... Appellant.

V/s.

- 1) Public Information Officer,
South Goa Planning & Development Authority,
4th Floor, Osia Complex,
Margao – Goa ... Respondent No. 1.
- 2) The Chairman,
South Goa Planning & Development Authority,
Osia Complex, Margao – Goa ... Respondent No. 2.

Appellant in person
Adv. B. Fernandes for Respondent No. 1.

J U D G M E N T **(24.03.2011)**

1. The Appellant, Shri Octaviano Rodrigues has filed the present Appeal praying for a direction to Respondent No. 1 to furnish the information and to impose maximum penalty under section 20 of the RTI Act.

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

That the Appellant vide letter dated 27.01.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from Respondent No. 1/Public Information Officer (PIO). That later on by letter dated 15.02.2010 the Appellant also requested certain information; that since no information was furnished and since considerable time lapsed the Appellant sent reminder to expedite to furnish the information. Since information was not furnished the same is to be considered as deemed to have refused to furnish information. Hence, he

preferred Appeal before the First Appellate Authority(FAA)/Respondent No. 2. But till date no action has been initiated by the said authority.

2. The Respondent resists the Appeal and affidavit in reply of Respondent No. 1 is on record. It is the case of the Respondent No. 1 that he received application dated 27.01.2010 and by letter dated 16.02.2010 the Appellant was called to collect the information after paying the requisite fees. It appears that on 04.10.2010 the Appellant filed First Appeal before the First Appellate Authority/Respondent No. 2. Since the same was addressed to the Chairman, South Goa Planning and Development Authority, the dealing hand bonafidely believing to be normal correspondence placed in other correspondence file and inadvertently the said Appeal did not come up for hearing. It is the case of Respondent No. 1 that they have always been ready and willing to give information and in fact they produced the same. It is further the case of Respondent No. 1 that this is a genuine and bonafide case where the information has been kept ready and probably on account of some unforeseen circumstances the Appellant has been unable to receive the information.

3. Heard the Appellant as well as Advocate V. Shirsat for Respondent No. 1.

4. I have carefully gone through the records of the case. I need not refer to the facts of the case in detail. There is no dispute that application seeking information was filed. There is no dispute that Appellant did not receive information in time and he preferred the Appeal. There is also no dispute that the Appeal was not decided. It is to be noted here that Appellate Authority is bound to dispose the Appeal within 30-45 days.

During the course of arguments Appellant submits that he has received full information. According to him he received the same after one year.

5. Now it is to be seen whether there is delay in furnishing the information. It is seen that application is dated 27.01.2010. I have also seen letter dated 16.02.2010. From the records it is seen that full information was furnished on 24.02.2011. Apparently there is delay. However, PIO/Respondent No. 1 should be given an opportunity to explain the same in the factual matrix of this case.

6. In view of the above, since information is furnished no intervention of this Commission is required. Since there is delay Respondent No. 1 is to be heard on the same. Hence, I pass the following Order:

ORDER

The Appeal is partly allowed. Since information is furnished no intervention of this Commission is required on that count.

Issue notice under section 20(1) of RTI Act to Respondent No. 1/PIO to show cause why penalty action should not be taken against him for causing delay in furnishing information. Explanation, if any, should reach the Commission on or before 28.04.2011. PIO/Respondent No. 1 shall appear for hearing.

Further enquiry posted on 28.04.2011 at 10:30.am.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 24th day of March, 2011.

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

