

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Motilal S. Keny State Chief Information Commissioner

**Penalty Case No. 07/2010**  
**In**  
**Complaint No. 76/SCIC/2010**

Mr. Custodio de Souza,  
Porba Vaddo, H. No. 4/234,  
Calangute – Goa

..... Complainant.

V/s.

1) Public Information Officer,  
Secretary,  
Village Panchayat Calangute,  
Bardez – Goa

..... Opponent No. 1.

2) First Appellate Authority,  
Block Development Officer,  
Mapusa,  
Bardez – Goa

..... Opponent No. 2.

Adv. S. Parab for Complainant.

Adv. P. Kamat for Opponent No. 1.

**ORDER**

By Order dated 03.05.2010 Show Cause Notice was issued to the Respondent No. 1/Public Information Officer as to why penalty action should not be taken against him for causing delay in furnishing information.

2. In pursuance of the said notice the Respondent No. 1 appeared and filed affidavit in reply which is on record. It is the case of Respondent No. 1 that he was posted as Secretary of Village Panchayat Calangute w.e.f. June 2009. That the information was furnished in time; that after receipt of the application dated 04.01.2010 the Appellant did not approach the Respondent No. 1, therefore, letter was posted on 03.02.2010 and the Appellant was requested to collect the information. That the said letter was sent within thirty days as required under RTI Act. However, the said letter was returned from the post stating that "Party left". That on 27.03.2010 the Appellant approached him and enquired about the information and that he gave the information to the Appellant on the same day which is clear from the endorsement on the said letter. That this information was given within two days. In short, according to him the information is within time and that there is no deliberate or intentional delay to give the information.

In short, according to him the Opponent No. 1 there is no case for penalty proceedings and that proceedings should be dropped.

3. The matter was partly heard. Adv. P. Kamat argued on behalf of Opponent No. 1 and Adv. S. Parab argued on behalf of original Appellant. However, time was sought by Opponent's Advocate to file copy of Appellate Order and letter. Thereafter, matter was adjourned at the request of one or the other party. During the course of hearing today, the Appellant Custodio de Souza remained present personally and filed an application stating that he wanted to withdraw the Appeal. Appeal is already disposed off and penalty proceedings are gone on. When asked, what he wanted to withdraw are the penalty proceedings.

4. Show Cause was issued because this Commission found that apparently there was some delay and opportunity was given to the Respondent to explain about the same. If letter referred to above is considered, then the Respondent No. 1/PIO is within time considering the fact that information was sought on 04.01.2010. There is Xerox copy of address of the Appellant with postal endorsement on record. Only thing is, it is by ordinary post. In my view benefit is to be given to the PIO on this count. Besides, the Appellant also wants to withdraw himself from the proceedings. In any case, since Commission has given benefit to the Respondent PIO, the Show Cause Notice is liable to be discharged. Hence, I pass the following Order:

### **ORDER**

The Show Cause Notice is discharged. Penalty proceedings are dropped.

The Penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 13<sup>th</sup> day of April, 2011.

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

