

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No. 564/SCIC/2010**

Smt. Teresa Dinesh Vaghela,  
Navagauri Apartments,  
IInd Floor, NH-17,  
Alto Porvorim-Goa

... Complainant.

V/s.

Public Information Officer,  
Superintendent of Police (North),  
Porvorim Police Station,  
Bardez - Goa.

... Opponent.

Complainant alongwith her representative, Mr. Dinesh Vaghela.  
Opponent in person.

**O R D E R**

(19.04.2011)

1. The Complainant, Smt. Teresa Dinesh Vaghela, has filed the present Complaint praying that the Opponent be punished in accordance with the provisions of the R.T.I. Act and necessary action may be taken under section 20(2) of the R.T.I. Act and that compensation may be granted.

2. The case of the Complainant is fully set out in the Complaint. In short, it is the case of the Complainant that the Complainant, vide application dated 01.12.2009 sought certain information from the Opponent under Right to Information Act, 2005 ('R.T.I. Act' for short). That the Opponent provided some information on 29.12.2009. That while going through the same, the Complainant found that the information provided is incorrect and misleading. That Shri Dinesh Vaghela wrote a letter to the Opponent informing that the information provided on 29.02.2009 is false and has no relationship with the information sought and requested to provide the correct information. That on 08.09.2010 the PIO informed that on scrutiny of the papers it is seen that P.I.

Porvorim Police Station has furnished incorrect information regarding the point raised by him. That the citizens are struggling since August 2008 to get this information from the Opponent's office but for one or other reasons the citizens are misguided and they continue to suffer. That the Opponent has deliberately and with malafide intention withheld disclosure as the Opponent has committed certain irregularities in dealing with the subject matter. In short, it is the case of the Complainant that the Opponent did not provide the correct information with ulterior motive and hence the present Complaint.

3. The case of the Opponent is fully set out in the reply which is on record. It is the case of the Opponent that Shri Dinesh B. Vaghela, the Chairman of Navagauri Apartments Cooperative Housing Society Ltd., Alto Porvorim has requested the P.I., Porvorim Police Station vide complaint dated 31.03.2006 received on 04.04.2006 to take suitable action for creating public nuisance in residential housing society. That accordingly Chapter case bearing No. 2/06 under section 133 of Cr. P.C was filed in the Court of Executive Magistrate, Mapusa, Bardez-Goa vide report dated 07.04.2006. That the Chairman made another application dated 31.01.2007 which was in continuation of the earlier complaint. That Shri Dinesh Vaghela vide his application dated 19.08.2008 under section 6(1) of the RTI Act, 2005 ('R.T.I. Act' for short) had requested to provide information regarding complaint dated 31.01.2007 and 23.11.2007. That this Opponent/Public Information Officer provided the information within prescribed time limit of 30 days vide letter dated 29.08.2008 which is exclusively based on the information furnished by the Sub Divisional Police Officer, Mapusa-II, Porvorim as per letter dated 26.08.2008. That the Complainant herein by an application dated 01.12.2009 requested to provide the information as mentioned in the said application. That the Opponent had provided within prescribed time limit of 30 days point-wise information to the applicant dated 28.12.2009. It is

the case of the Opponent that Shri Dinesh B. Vaghela made a written request to the PIO/Opponent vide application dated 09.08.2010 to provide certain information. That the Opponent/PIO had provided point-wise information to Shri Vaghela by letter dated 08.09.2010. That the PIO had acted bonafidely relying upon the subordinate's report. However, it was found that P.I. Porvorim, had furnished incorrect information. That in his letter dated 08.09.2010 PIO expressed regret for causing inconvenience and that the present Complaint arose when the information furnished to the Complainant was found to be not correct in respect of filing of Chapter case before Executive Magistrate, Mapusa. That the PIO, relying on the report of the subordinate, acted bonafidely in providing the information. That when it came to light the information furnished was found to be incorrect. The PIO had furnished correct information. It is further the case of the Opponent that administrative action against the official furnishing misleading information has already been taken at the level of Department. According to the Opponent the Complaint be dismissed.

4. Heard the Complainant and the Opponent and perused the records.

It is an admitted position that the information furnished was found to be incorrect and hence the present Complaint was filed. During the course of hearing it transpired that the Opponent has initiated action at the department level against the subordinate who furnished incorrect information. The Opponent also submitted that action has been taken and still inquiry is being conducted. In view of this position the Complainant submits that he would not proceed with the matter as action is being taken.

6. No doubt PIO has to depend upon his subordinate to get the information and the subordinate it appears furnished incorrect information. It appears that correct information was also furnished. The Opponent submits that action

against the official at departmental level has been taken and some inquiry has been initiated. This Commission hopes that the same would end with a logical conclusion. Since the Complainant does not wish to proceed further in view of this position, the Complaint is liable to be disposed. Hence, I pass the following Order:

**ORDER**

No intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 19<sup>th</sup> day of April, 2011.

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