

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 29/SIC/2011

Shri Ajay E. Vellingiri,
H. No. 61/GL/38,
Behind Old MPT Hospital,
Vasco-da-Gama, Goa
V/s.

... Complainant.

Shri Rajesh S. Ajgaonkar,
Public Information Officer,
Mamlatdar of Mormugao Taluka,
Vasco-da-Gama- Goa

... Opponent.

Complainant in person.
Opponent in person.

O R D E R

(10.05.2011)

1. The Complainant, Shri Ajay E. Vellingiri, has filed the present Complaint praying that the information be provided free of cost and that disciplinary action against the Public Information Officer be initiated.

2. The case of the Complainant, in short, is as under:-

That the Complainant, vide his application dated 05.10.2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Deputy Collector (Returning Officer)/Public Information Officer (P.I.O.). That vide letter dated 19.10.2010 the Dy. Collector transferred the said application under section 6(3) of the R.T.I. act to the Mamlatdar Mormugao Taluka, the Opponent herein. By letter dated 15.11.2011 the Opponent informed the Complainant that the information runs into 75,000 pages and requested to deposit Rs.1,50,000/- towards R.T.I. fees. Instead of paying the amount, the Complainant has approached the Commission by the present Complaint.

3. In pursuance of the notice the Opponent appeared and submitted that information is voluminous and that Opponent was informed to pay the required fees but he did not pay.

4. Heard the Complainant as well as the Opponent. Complainant submits that information was not furnished to him in time and that the same be furnished free of cost. This is vehemently denied by the Opponent. According to the Opponent there is no delay.

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

It is seen that the application seeking information was filed on 05.10.2010 to the Dy. Collector (Returning Officer). Normally the Application is to be addressed to the P.I.O. i.e. R.T.I. request is to be made to the P.I.O. of concerned Public Authority. In the case before me the said application was transferred by Dy. Collector to the Mamlatdar. Under R.T.I. Act, P.I.O. has to transfer the same as early as possible but within 5 days. The said request was transferred to the P.I.O. on 19.10.2010. The Complainant was called to deposit fees by letter dated 15.11.2010. It appears that Complainant did not deposit the amount.

It is to be noted here that the primary concern of the Complainant ought to have been information but he did not collect the same.

In any case Opponent is within the statutory period considering the fact that application was received on 19.10.2010. Even otherwise information sought is voluminous.

6. Regarding maintainability of the Complaint. In the factual backdrop of this case this Complaint is not maintainable since the application is not rejected by P.I.O nor 30 days were over considering the date 19.10.2010. Even otherwise the Complainant ought to have preferred Appeal before the First Appellate Authority before approaching the Commission. The Complainant to take note of the same in future.

7. In view of the above, I pass the following Order:-

ORDER

The Opponent is hereby directed to furnish the information to the Complainant within twenty days from the date of receipt of this Order on payment of required charges.

The Complainant on his part to deposit the required fees strictly in accordance with law.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 10th day of May, 2011.

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