

**GOA STATE INFORMATION COMMISSION**

**AT PANAJI**

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

**Penalty case No. 73/2010**

In

Appeal No. 156/SIC/2010

Shri V.A. Kamat,  
G-1, Ravindra-A,  
Next to Hotel Ameya,  
Opp. St-Inez, Church,  
St-Inez, Panaji-Goa

... Appellant

**V/s**

The Public Information Officer,  
Corporation of City of Panaji,  
Dr. Pissurlekar Road,  
Panaji-Goa

... Respondent

Appellant in person.  
Adv. J. Ramayya for Respondent

**O R D E R**

(08/06/2011)

1. By judgment and order dated 23/12/2010 this Commission directed the Respondent No.1 to show cause 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 has filed the reply which is on record It is the case of the Respondent/P.I.O. that the Appellant sought information from the Corporation of the City of Panaji, on 09/03/2010 with regards to points which were answered vide letter dated 06/04/2010. However, the Appellant approached the First Appellate Authority vide application dated 15/04/2010 and the same was allowed vide order dated 22/04/2010. That the orders dated 22/04/2010 complied and information requested was duly delivered to the Appellant free of costs vide letter dated 30/04/2010 i.e within the stipulated time. That the Appellant still aggrieved filed the Appeal before this Commission and that he was aggrieved by the information pertaining only to one point i.e about interest. The information that was sought was completely provided to the Appellant to

his satisfaction vide letter dated 29/11/2010. It is the case of the Respondent that delay was due to valid reasons That the Respondent on the date of receiving the application from the Appellant was in process of filing a review application before the Hon'ble Labour Court II Government of Goa at Panaji, the Respondent at the time and not accepted any liability to pay the exorbitant rate of interest to Custodio D'Souza. That on 31/05/2010 a review petition was filed by the Respondent for review of judgment and order dated 11/11/2009 regarding interest part which was disposed on 03/09/2010, in the meantime providing information pertaining to rate of interest which was subject to challenge was unruly. That a writ petition under Act, 227 of the Constitution of India was also filed by the respondent for the purpose for challenging the order dated 03/09/2010 passed in review petition which was allowed and the rate of interest was reduced from 18% to 10% by Hon'ble High Court vide order dated 18/01/2011, passed in writ petition 846/2010. That the Respondent was under a bonafide impression that accepting the claim of rate of interest under the right to information application filed by the applicant would amount to admission of fact in the circumstances wherein the review application was due to be filed. That in view of the above no penalty be imposed and the show cause may be disposed.

3. Heard the arguments. The Appellant argued in person and the Adv. J. Ramayya argued on behalf of the Respondent .

Appellant submitted that information was given by A.P.I.O. and that information was incomplete and misleading. He referred to the order of F.A.A. and submitted that again information was incomplete. He submitted that letter was sent but no reply was given He submitted that application is dated 09/03/2010 and full information furnished on 30/11/2010. According to him there is inordinate delay.

Adv. for Respondent submitted that there is a human error and that section 20(1) is not attracted and that there is no malafide intention. He also referred to the reply. According to him there is no intentional delay in this case and that they have not hidden anything. According to him this is not a fit case to impose penalty.

4. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that information was sought by letter dated 09/03/2010. One of the point i.e point no.3 was about the amount of retirement dues and the interest payable to Shri Custodio D'souza, as on today. By letter dated 06/04/2010, the reply is furnished. Being not satisfied the Appellant preferred First Appeal and by order dated 22/04/2010, the F.A.A. observed as under:-

“.....  
.....The information sought by the Appellant vide letter dated 09/03/2010 is not provided in all details to the Appellant. The Superintendent, Corporation of the City of Panaji, submitted that the sought information is available in the office records and can be provided with full details. Therefore the respondent shall furnish the information to the Appellant with specific details as per his request dated 09/03/2010 without charging any fees within a period of 10 days from the date of order i.e 22/04/2010”.

By letter dated 30/04/2010 the information is furnished in compliance of order of F.A.A. However there is no mention of interest. By letter dated 20/05/2010, the P.I.O. was reminded about interest, however nothing was informed. Full information has been sent by letter dated 29/11/2010, i.e about interest. Admittedly there is delay. The Respondent could very well state about review etc. and as such they could not provide information about interest but that has not been done. When Appellant wrote letter dated 20/05/2010, the P.I.O. could inform

that they could not furnish the information due to review/ writ petition etc. but that has not been done. During the course of arguments Adv. for Respondent submits that delay was not intentional. It is difficult to digest this. Even after the order of F.A.A. the Respondent has not furnished the information. In any case there is delay in furnishing some information. No doubt most of the information sought has been furnished within time.

5. Now, it is to be seen about imposing penalty upon the Respondent under section 20(1) of the R.T.I. Act. I have come to the conclusion that there is delay in furnishing part of the information. The explanation given by Respondent may be correct but under R.T.I. Act delay is inexcusable Public Authority must introspect that non-furnishing of information lands a citizen before F.A.A. and this Commission resulting into unnecessary harassment of a common man which is legally impermissible and socially detrimental. Some time injury to society is grievous. Therefore some sort of penalty helps in curing this social grief and healing the social wounds.

R.T. I. Act provides Rs. 250/- per day. However in the case before the most of the information is furnished in time. Only some information is not furnished. Considering the pros and cons of the matter. I feel that imposition of penalty of Rs. 5000/- (Rupees Five Thousand Only) would meet the ends of justice.

6. In view of the above, I pass the following order:-

#### **ORDER**

The Respondent/P.I.O. is hereby directed to pay Rs. 5000/- (Rupees Five Thousand Only) as penalty imposed on him today.

This amount of penalty should be recovered from the salary of P.I.O./Respondent in two installments for the month of August and September, 2011, by the Director of Accounts.

A copy of the order be sent to the Director of Accounts, Panaji Goa for execution and recovery of penalty from the Respondent No.1

The said amount be paid in Government Treasury.

The penalty proceeding are accordingly disposed off.

Pronounced in the Commission on this 8<sup>th</sup> day of June, 2011.

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



