

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 182/SIC/2010

Shri Cirilo Vales,
H. No. 73,
Dunolim, Seraulim,
Salcete - Goa

.... Appellant

V/s.

Public Information Officer,
Sanguem Municipal Council,
Sanguem - Goa

.... Respondent.

Appellant in person.
Respondent absent.

J U D G M E N T
(29.06.2011)

1. The Appellant, Shri Cirilo Vales, has filed the present Appeal praying the Commission be pleased to take cognizance of the purported submissions made on behalf of Respondent who knowingly has not given the information; that Respondent has neglected his duties and caused hardship to the Appellant and to penalize the Respondent and to compensate the Appellant.

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

That the Appellant vide his application dated 07.01.2010 sought certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Office (PIO)/Respondent. That the Respondent did not comply with the request of the Appellant within the stipulated period as per section 7(1) of the RTI

Act and hence, the Appellant preferred the Appeal before the First Appellate Authority(F.A.A). That by Order dated 09.04.2010 the F.A.A directed the Respondent to make the information available within a period of ten days from the date of the Order, i.e. 09.04.2010. That the Respondent inspite of the Order did not furnish the information. That information was not furnished within thirty days and even after the Order of F.A.A. Being aggrieved the Appellant has preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondent resists the Appeal and the reply is on record. In short, it is the case of Respondent that the required information sought by Shri Vales has been furnished to him vide office letter No. SMC/4/20/ACCT/RTI/2009-2010/747 dated 10.03.2010.

4. Heard the Appellant. Respondent was absent. A fresh notice was issued to the Respondent but he is absent. Various opportunities were given to the Respondent to remain present but he remained absent. In any case I am proceeding on the basis of material on record.

I have carefully gone through the records of the case. It is seen that the Appellant filed an application dated 07.01.2010. It appears that no reply was filed and on 24.03.2010 the Appellant preferred an Appeal before First Appellate Authority. By Order dated 09.04.2010 the Appeal was disposed off. The F.A..A observed as under:- "Heard the Appellant and respondent represented by Junior

Engineer, Shri Ashik Khan. The appellant has sought information vide letter dated 7/1/2010.

The information has not been provided within statutory period.

The respondent shall make the information available within a period of 10 days from the date of order i.e. 9/4/2010.”

It is the contention of the Complaint that information has not been so far furnished.

According to the Respondent information has been furnished by letter dated 10.03.2010 which is on record filed by the Respondent. When pointed out this letter, the Appellant submits that he has not received the said letter. It is pertinent to note that Appellate Authority on 09.04.2010 has observed that information has not been provided within statutory period. Junior Engineer Shri Ashik Khan also did not bring on record about the letter dated 10.03.2010. In any case this has to be seen properly at the appropriate stage.

5. Now it is to be seen whether there is delay in furnishing the information. According to the Appellant information has not been furnished within 30 days and also after the order of FAA. The letter dated 10.03.2010 is on record. As pointed above according to Appellant he has not received the same. Information was sought by application dated 07.01.2010. Assuming the reply is sent the reply is dated 10.03.2010. Apparently there appears to be some delay. However, PIO is to be given an opportunity to explain about the same in the factual matrix of this case.

6. In view of above Respondent to furnish the information to the Appellant. Respondent to be heard on the aspect of delay. Hence, I pass the following Order:-

ORDER

Appeal is partly allowed and the Respondent is directed to furnish information as sought by the Appellant vide his application dated 07.01.2010 within 20 days from the date of receipt of the Order and report compliance.

Issue notice under section 20(1) of the RTI Act to the Respondent/PIO why penalty action should not be taken against him for causing delay in furnishing information.

The explanation, if any, should reach the Commission on or before 01.08.2011. PIO/Respondent shall appear for hearing.

Further inquiry posted on 01.08.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 29th day of June, 2011.

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

