

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal 5/SIC/2011

Shri Sharadchandra Sitaram Mandrekar,
R/o Poiria Via Assonora,
Mayem Bicholim-Goa
Through his Power of Attorney holder
Shri Suryakant Vinayak Kavlekar

...Appellant

V/s

1) Shri Micheal D'souza,
Member Secretary,
Goa Coastal Zone Management Authority,
Opp. Saligao Seminary,
P.O. Saligao, Saligao Bardez-Goa .

... Respondent No.1

2) Smt. Venefreda Gracias e Branganza,
The Public Information Officer, GCZMA,
Opp. Saligao Seminary, P.O. Saligao,
Saligao Bardez _Goa

... Respondent No.2

Appellant in Person along with Adv. A. Dessai
Respondent No.1 absent
Respondent No.2 present

JUDGEMENT
(01/07/2011)

1. The Appellant, Shri Sharadchandra Sitaram Mandrekar, has filed the present appeal praying that the impugned letter dated 08/10/2010, be quashed and set aside, that direction be given to the Respondents to furnish the certified copies of the Information sought by the Appellant, that penalties be imposed upon the Respondents for delay and for knowingly giving incorrect, incomplete, or misleading information to the Appellant.

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

That the Appellant, vide an application dated 01/07/2010, sought certain information under Right to Information Act, 2005(R.T.I. Act for short) from the Public Information Officer

(P.I.O.)/Respondent No.2. That the Appellant did not receive any Communication/Status of his application dated 01/07/2010 filed under R.T.I. from the Respondent No.2. Therefore, the Appellant preferred an appeal before the First Appellate Authority/Respondent No.1. That on 08/10/2010, on the day of hearing the Respondent No.2 furnished the incomplete information. That the Respondent no.2 with malafide intention delayed the information. That the Appellant on several occasions asked for information, however, the Respondent No.2 delayed the same and furnished incomplete information. Being aggrieved the Appellant has filed the present appeal on various grounds as set out in the memo of Appeal.

3. The Respondents did not file any reply as such, however Respondent no.2 advanced arguments.

4. Heard both sides, 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 Appellant through his power -of Attorney sought certain information from the P.I.O./Respondent No.2. The information consisted of certain certified copies of documents. The Respondent No.2 vide reply dated 8/10/2010 furnished the information. However, certain documents such as rejoinder was not furnished as the same was not available in the office records.

According to the Adv. for Appellant the information furnished is incomplete. According to Respondent No.2 information i.e rejoinder is not available in records and whatever information available is furnished. Respondent No.2 also states that information i.e the concerned file is with senior

Government Counsel A. Subhashini and that they even wrote the letter to the Sr. Counsel. According to the Respondent No.2 available information has been furnished.

5. No doubt, under R.T.I. Act a P.I.O. is expected to provide the information available with him. He is not required to collect and compile the information on the demand of a requester nor he is expected to create a fresh one merely because some one has asked for it. However in the case before me the information sought is with the Sr. Government counsel and P.I.O. can get the same. It is seen that earlier also in this matter the P.I.O. has requested the Sr. Counsel to furnish the same by letter dated 7/10/2009. The P.I.O. can get the required information from the Sr. Govt. Counsel and furnish the same to the Appellant.

6. Regarding delay it is seen that admittedly, there is delay in furnishing information. However in the factual matrix of this case the same cannot be construed as malafide. Adv. for Appellant also does not press the same. However the P.I.O. should note that R.T.I. Act is time bound programme and P.I.O. should adhere to time frame in each and every case.

7. In view of the above, I am of the opinion that P.I.O. can seek the documents i.e copy of the petition and the rejoinder if any. Hence I pass the following order:-

ORDER

The Appeal is partly allowed and the P.I.O./Respondent No.2 is hereby requested to furnish the information sought i.e. copy of the petition with annexures and rejoinder, if any, after

obtaining the said file from the said Sr. Government Counsel,
within 30 days from date of receipt of the order.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 1st day of July, 2011

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

