

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 93/SCIC/2011**

Shri Navso Shivram Korgaonkar,  
Divalchem Bhat,  
Ucassaim,  
Bardez - Goa

... Complainant.

V/s.

1) The Mamlatdar of Bardez,  
Mapusa – Goa

... Opponent No. 1

2) The Dy. Collector,  
S.D.O. & S.D.M. of Bardez,  
Mapusa - Goa

... Opponent No. 2

Adv. Shri Patkar for the Complainant.  
Opponent absent.

**ORDER**  
**(20.07.2011)**

1. The Complainant, Shri Navso Shivram Korgaonkar, has filed the present Complaint praying that Opponent No. 1 be directed to furnish the information originally asked for and that penalty under section 20 of the Act be imposed on the Opponent No. 1.

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

That the Complainant has filed an application dated 05.01.2011, seeking certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Opponent No. 1. That the Opponent No. 1 did not reply to the said application within stipulated period of 30 days and, therefore, the Complainant preferred Appeal before Opponent No. 2/First Appellate Authority (FAA) for deemed refusal by the Opponent No. 1 to furnish the information asked for by the Complainant.

That during the hearing before Opponent No. 2, the Opponent No. 1 submitted that the said file is very old and not traceable and requires sometime to find it and to furnish the information and also requires the Complainant to furnish any case paper, if any, with him so that he can trace the file as soon as possible. That the Complainant in order to assist and to save time, furnished Xerox copy of the Order dated 31.08.1979 passed in the said tenancy case to the Opponent No. 1 on 22.03.2011. However, no information was furnished. By Order dated 31.03.2011 the Opponent No. 2/FAA directed the Opponent No. 1 to furnish the information within 10 days and closed the proceedings. That no information was furnished even after the order. Being aggrieved the Complainant has preferred the present Complaint.

3. The matter was fixed today, however, the Opponent did not remain present. The Complainant filed an application stating that the Opponent No. 1 issued the required information after notice dated 21.06.2011 was issued by this Commission. According to him prayer (a) is granted. In the said application the Complainant states that he is withdrawing the prayer (b) and not pressing the same.

4. It is seen that there is delay in furnishing information. However, it is seen from record that the information sought pertains to the year 1979. Initially, information was not traceable. It took some time to trace the records and ultimately the records were furnished. Complainant is satisfied about the information and that he has no grievance of any sort. Besides, he does not press for penalty. In view of this peculiar position and since information is already furnished, I am of the opinion that delay that has

occurred cannot be termed as intentional or malafide and hence, liable to be condoned and is hereby condoned.

5. Since information is furnished, no intervention of this Commission is required. Hence, I pass the following Order:-

**ORDER**

No intervention of this Commission is required as information is furnished. Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 20<sup>th</sup> day of July, 2011.

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