

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 51/SCIC/2011

Mr. Lourenco Fernandes,
R/o. H. No. 734,
St. Agostinho, St. Cruz,
Tiswadi - Goa

... Complainant.

V/s.

Mr. P. R. Pednekar,
Secretary,
V. P. St. Cruz,
Tiswadi -Goa

... Opponent.

Adv. V. A. Kamat for the Complainant.
Adv. P. R. Karpe for the Opponent.

ORDER
(08.07.2011)

1. The Complainant, Shri Lourenco Fernandes, has filed the present Complaint praying that Opponent be directed to disclose the requested information and that penalty be imposed on the Opponent for malafidely denying the Complainant's request for information.
2. It is the case of the Complainant that on 21.04.2010 the Complainant had requested the Public Information Officer (PIO)/Opponent to furnish certain information under Right to Information Act, 2005 ('R.T.I. Act' for short). That till date the Complainant has not received any information from the Opponent, who on the other hand, has refused the Complainant access to the requested information. That the Opponent was duty bound to provide the information. That the Opponent malafidely refused the Complainant the information that he sought for with the intention of protecting the illegal

construction done, thereby blocking the public road. Hence, the present complaint.

3. The case of the Opponent is fully set out in the reply which is on record. In short, it is the case of the Opponent that on receipt of the application seeking information, the Opponent sent a letter dated 24.05.2010 stating that the Complainant is requested to mention the names of persons who have blocked the public road at St. Agostinho in between survey Nos. 50, 51, 52 and 53 of Calapur village. That the said letter is duly served on the Complainant but till today the Complainant has not given the names of persons who have blocked the said public road at St. Agostinho in between survey Nos. 51, 52 and 53 of Calapur village. That the Opponent denies that Opponent has malafidely refused the Complainant the information sought for with the intention of protecting the illegal construction done thereby blocking the road. That on the contrary, the Complainant is harassing the Opponent by filing frivolous applications under RTI Act which are without any substance. That the delay, if any, in furnishing the information sought by the Complainant is unintentional, not malafide and not persistent, and that there is no enmity between the Complainant and the Opponent. That the information sought by the Complainant is incomplete and with intention to harass the Opponent and deserves to be dismissed.

4. Heard the arguments. The learned Adv. Shri V. A. Kamat argued on behalf of the Complainant and the learned Adv. Shri P. R. Karpe argued on behalf of the Opponent. According to Advocate for the Complainant application is not vague and whatever particulars required have been furnished. He next submitted that there is delay in furnishing information.

During the course of his arguments Advocate for the Opponent submitted that application is not specific and that records are not kept as per survey numbers. Advocate for the Opponent states that there is some delay, however, the same is not intentional nor malafide.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the learned Advocate for the parties. The point that arises for my consideration is whether the information is furnished and whether the same is furnished in time.

It is seen that the Complainant, vide his application dated 21.04.2010, sought certain information, i.e. certified copies of the approval, N.O.C., permission for the compound wall blocking public road at St. Agostinho in between survey No. 51, 52 and 53 of Calapor Village, St. Cruz, from the internal tarred public road starting opposite your Panchayat office leading to Cuzira. It is seen from the records that the Opponent by letter dated 24.05.2010 requested the Complainant to mention the names of persons who have blocked the public road.

According to Advocate for the Opponent, Panchayat Records are not kept by Survey Numbers and as such it is difficult to furnish the information. No doubt information sought should be specific and clear. The information seeker must provide the required particulars so that true and correct information is furnished.

I have perused the application dated 21.04.2010 and I find that some clarification or details are required to be furnished so that information could be furnished without any difficulty.

6. Now it is to be seen whether there is any delay in furnishing information. Application is dated 21.04.2010 but received on 22.04.2010. The reply dated 24.05.2010 seeking particulars is considered then there is delay of 2-3 days. Considering the request the delay cannot be considered as intentional and is liable to be condoned.

7. In view of the above, the Complainant to furnish the particulars sought by the Opponent and Opponent to furnish the information. Hence, I pass the following Order:-

ORDER

The Complaint is allowed. The Opponent is directed to furnish the information sought by the Complainant vide his application dated 21.04.2010 within 20 days from the date of receipt of the Order.

The Complainant on his part to furnish the necessary particulars to the PIO/Opponent within 8 days from the receipt of this Order.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08th day of July, 2011.

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