

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 36/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 Complaint be allowed and the Opponent be directed to provide the information sought for and that penalty as contemplated under section 20 be imposed on the Opponent.

2. The brief facts leading to the present Complaint are as under:-  
That the Complainant vide application dated 29.12.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Opponent. That the Complainant did not receive any information from the Opponent within thirty days. That on 08.02.2011 the Opponent informed the complainant to mention the name of the person who is involved in the construction so as to verify from the office records and provide information. That the aforesaid information requested by the Complainant was unjustified as the Opponent is bound and expected to maintain records of information of construction licence with reference to survey number. That besides as the construction with reference to which information was sought is illegal, the Complainant was unaware as to who was carrying out the construction so as to provide the Opponent with the said information. That the belated letter dated 08.02.2011 was provided by

the Opponent only with the intention of harassing the Complainant and evading from performing his statutory duty in providing the required information and hence the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. In short, it is the case of the Opponent that application was received the Opponent denied that Complainant did not receive any information from the Opponent within the statutory time period of 30 days. The Opponent also denies that the information furnished by the Opponent to the Complainant is unjustified. It is the case of the Opponent that he is not harassing the complainant but the Complainant is harassing the Opponent by filing frivolous applications under RTI Act and that the present Complaint deserves to be dismissed. 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 the intention to harass the Opponent and, therefore, it deserves to be dismissed. According to the Opponent Complaint is liable to be dismissed.

4. Heard the arguments. Learned Adv. Shri V. A. Kamat argued on behalf of the Complainant and Learned Adv. Shri P. R. Karpe argued on behalf of the Opponent. According to Advocate for the Complainant the application is not vague and whatever particulars required have been furnished. He next submitted that there is delay in furnishing information. According to Advocate for the Opponent, 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 by application dated 29.12.2010 the Complainant sought certain information. By reply dated 08.02.2011, the Opponent requested the

Complainant to mention the name of the person who is involved in the construction so as to verify from the office records and provide the information asked by him. The Opponent also informed the Complainant that the information can be provided only after receiving the names of the persons who are been permitted for the construction activities.

Advocate for the Opponent submits that Panchayat records are not kept by Survey Numbers and as such it is difficult to trace the same. I do agree with the Advocate for the Opponent that the information sought should be specific and clear. According to the Opponent records are not maintained as per survey records.

I have perused the application dated 29.12.2010. The same is in the nature of a query. To my mind the same requires some clarity. The Complainant to furnish some details like name, etc whereby information could be furnished without any difficulty.

6. Now it is to be seen whether there is any delay. Normally reply, if any, should be furnished within 30 days. The present reply is sent on 08.02.2011. In any case PIO/Opponent is to be heard on the same before coming to any conclusion.

7. In view of all this, the following Order is passed:-

### **ORDER**

The Complaint is allowed. The Opponent is hereby directed to furnish the information sought by the Complainant vide his application dated 29.12.2010 within 20 days from the date of receipt of this Order.

The Complainant on his part to furnish the necessary particulars to the PIO/Opponent within 8 days from the date of receipt of this Order and thereafter the Opponent to furnish the information as mentioned above.

Issue notice under section 20(1) of the Right to Information Act, 2005 to the Public Information Officer/Opponent to show cause why penal action

should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 12.09.2011. The Opponent shall appear for hearing.

Further inquiry posted on 12.09.2011 at 10:30 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08<sup>th</sup> day of July, 2011.

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