

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Comp. 35/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 his application dated 24.12.2010, 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 the stipulated time period of thirty days. That on 31.01.2011 the Opponent informed the Complainant that the Village Panchayat adopted resolution vide No. 3(5) dated 29.06.1992 and a certified copy of the resolution was annexed. That the aforesaid information furnished by the Opponent was incomplete as the Opponent did not provide

the Complainant with the process of transfer of H. No. 729 as requested vide letter dated 24.12.2010, but only the resolution adopted by the Village Panchayat. That the information dated 31.01.2011 was, therefore, not only belated but also incomplete. Hence, the present Complaint.

3. The Opponent resists the Complaint and the reply is on record. It is the case of the Opponent that the application was received and on 31.01.2011 the Opponent has provided information sought by the Complainant and that Opponent has furnished the resolution dated 29.08.1992 to the Complainant through which transfer of H. No. 729 from the name of Vijayakant L. Vaigankar to Sumitra S. Naik has been carried out by the Opponent. The Opponent denies that information furnished by the Opponent to the Complainant is incomplete. 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 Opponent and Complainant. That this is first time there is delay in furnishing information sought by the party and the Opponent undertakes that tin future he will not repeat the same. That since information is furnished Complaint is infructuous.

4. Heard the arguments. Ld. Adv. Shri V. A. Kamat argued on behalf of Complainant and Ld. Adv. Shri P. R. Karpe argued on behalf of Opponent. According to Advocate for the Complainant information is furnished but there is delay in furnishing the same.

5. During the course of his arguments Advocate for the Opponent submitted that the delay is not intentional nor malafide. According to

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6. During the course of his arguments Advocate for the Opponent submitted that the delay is not intentional nor malafide. According to him the same ought to be condoned.

7. I have carefully gone through the records of the case and also considered the arguments advanced by the 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 sought certain information vide his application dated 24.12.2010. That the application was received in the office of Opponent on the same day. By reply dated 31.01.2011 the Opponent furnished the information. During the course of his arguments Advocate for the Complainant states that information is furnished. The only grievance of the Advocate of the Complainant is the same has been furnished after thirty days.

8. Now it is to be seen whether there is delay in furnishing the information. According to the Advocate for the Complainant there is delay in furnishing the information whereas according to Advocate for the Opponent the same is minor and the same is not intentional nor malafide. However, to my mind PIO should be given an opportunity to explain about the same in the factual matrix of the case.

9. In view of the above since information is furnished no intervention of this Commission is required. Opponent is to be heard on the aspect of delay.

Hence, I pass the following Order:-

ORDER

Complaint is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice under section 20 (1) of the RTI Act, 2005 to Opponent/PIO 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. PIO/Opponent shall appear for hearing.

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

Complaint is accordingly disposed off.

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

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