

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 49/SCIC/2011

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

...Complainant

V/s

1) The Talathi,
St. Cruz Village Panchayat,
St. Cruz,
Tiswadi – Goa

... Opponent No. 1.

2) Mr. M. J. Araundekar,
Mamlatdar of Tiswadi,
Panaji – Goa

... Opponent No. 2.

3) Mr. Sabaji Shetye,
Dy. Collector,
Tiswadi,
Panaji – Goa

... Opponent No. 3.

Adv. Shri V. A. Kamat for Complainant.

Mr. Daniel, representative of Opponent No. 2.

ORDER
(11.08.2011)

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 and knowingly providing incomplete information to the Complainant.

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

That on 28.11.2008 at 09:30 a.m. the Opponent visited the Complainant's residence regarding some information sought by the Chief Minister, on complaint received by one Sumitra Naik. Therefore, on 29.11.2008 the Complainant had requested the Opponent to furnish to the Complainant certified copy of the Complaint, vide written application, which was malafidely refused by Opponent No. 1, thereby constraining the Complainant to send the same to Opponent No. 1, vide R.P.A.D., which was though intimated to the Opponent No. 1, he refused to collect the same. That as the Opponent No. 1 was bent on refusing access to the Complainant

of the requested information, the Complainant vide written application dated 15.10.2009, requested Opponent No. 2, to furnish certified copies of the full file, pertaining to the Complaint with respect to which the Opponent No. 1, visited the Complainant's house on 28.11.2008. That despite the lapse of six months the Opponent No. 2 failed to perform his statutory duties under Right to Information Act, 2005 with a malafide intention to subvert/conceal the truth and true state of affairs on the basis of which the Opponent No. 1 visited the Complainant's house on 28.11.2008. That the Complainant once again requested the Opponent No. 2 for the same information vide another written application dated 13.04.2010. That the Opponent No. 2 replied in the month of May, 2010 stating that the information sought for is not available. That the reply furnished by the Opponent No. 2 is patently false and was given with malafide intention of denying the Complainant of the required information thereby concealing the truth from him. That the Complainant filed the appeal before Opponent No. 2 who ordered the Opponent No. 3 to provide copy of the complaint to the Complainant within fifteen days. That after considerable delay the Opponent No.2 provided the Complainant with a certified copy of the complaint only on 17.09.2010. It is also the case of the Complainant that the Order dated 20.08.2010 of the Opponent No. 3 is also incomplete as the Opponent No. 3 knowingly ordered that only copy of the complaint be furnished. Hence, the present Complaint.

3. In pursuance of the notice Opponent No. 1 and 2 appeared. They did not file any reply as such. However, Shri Daniels, representative of Opponent No. 2 advanced arguments.

4. Heard Adv. Shri V. A. Kamat for Appellant and Shri Daniel, representative of Opponent No. 2.

5. During the course of his arguments Adv. Shri V. A. Kamat submitted that information is furnished and that Complainant has no grievance of any sort.

6. 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. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 11th day of August, 2011.

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

