

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Penalty no.27-2011**  
**in**  
**Appeal 269-SIC-2010**

Shri Gajanan B. Kamat,  
E-6, Aquem-Alto,  
Behind st-Sebastian Church,  
Margao-Goa

...Appellant /Complainant

**V/s**

1. The Public Information Officer,  
Margao Municipal Council  
Margao-Goa

...Respondent/Opponent

Appellant absent

Respondent present

**ORDER**  
**(24-08-2011)**

1. By Judgement and order dated 1/3/2011 this Commission issued a notice under section 20 (1) of the R.T.I. Act to Respondent No.1/ P.I.O. to show cause why penalty action should not be taken against him for causing delay in furnishing information.

2. In pursuance of the said notice the Respondent no.1/P.I.O. has filed the reply which is on record. In short it is the case of the Respondent No.1 that the application made by the Appellant dated 18/05/2010 has been entered in Municipal Office on 19/05/2010 records disclosed that it was forwarded to dealing hand on 20/05/2010. That the application never reached the P.I.O. and only after the Appellant had approached the 1<sup>st</sup> Appellant Authority and notice was issued of the hearing by the Appellate Authority, that the file was processed by the dealing hand of the taxation section and on 23/08/2010 file was marked to the Chief Officer/P.I.O. at that stage. That the matter was pending before First Appellate authority and the same was heard. The information was furnished vide letter dated 6/9/2010

immediately after the order of the Appellate Authority although the Appellate Authority had ordered to furnish the information within 10 days. In these circumstances the delay was caused as the application was not processed by the dealing hand in time and the process was done only after the matter had reached the First Appellate Authority and after the notices were received of the Appeal. That the records further disclose that application was processed by the taxation section only after such notice from the 1<sup>st</sup> Appellate authority. That the application reached P.I.O. on 23/08/2010 and the information was furnished on 06/09/2010. It is further the case of the Respondent No.1 that delay is not intentional and/or willful and that penalty may not be imposed.

3. The Appellant was absent at the time of argument and he sent letter dated 21/07/2011 stating that reply be considered as satisfactory. Reply is on record.

4. I have carefully gone through the records of the case . It is seen that application is dated 18/05/2010. That information was furnished on 6/9/2011. No doubt there is delay. It is seen that in the present case the dealing hand did not place the papers /applications before P.I.O. in time. Again the dealing hand of taxation Department did not place the same before P.I.O. in time. I have perused the noting sheet produced from the same it appears that the application was put up before P.I.O. only on 23/08/2010 and he furnished the information by 6/9/2010.

Under section 20(1) of the R.T.I. Act the Information Commission must satisfy itself that the P.I.O. has without reasonable cause:-

- (i) Refused to receive an application
- (ii) Not furnished information within the specified time frame.
- (iii) Malafidely denied information
- (iv) Knowingly given incorrect, incomplete or misleading information.

(v) Destroyed information/obstructed giving information of the above it is seen that P.I.O. concedes that in fact there is violation of (ii) herein above, however, he has stated how delay has occurred. It appears that dealing hand has not furnished the information in time. The explanation given is to be accepted and as per the same there is no intention . Besides the Appellant by his letter/ reply dated 21/07/2011 states “ to treat the reply given by the Opponent /i.e. P.I.O. of Margao Municipal Council as satisfactory”.

If 23/08/2010 is considered as date of knowledge by P.I.O. then reply dated 6/9/2010 is in time. Under the circumstances although, under R.T.I. the Commission is mandated to impose penalty for causing delay, it is not possible to pinpoint the P.I.O./Respondent No.1 to be held liable.

5. This Commission viewed the entire case and is of the opinion that the whole case is not handed properly by dealing hands in the office who had information but did not respond properly and in time. The R.T.I. Act, among other things, enjoin upon all concerned to organize their office properly and its functioning in such a way so that information sought for could be retrieved with minimum time so as to honour the time limit for providing information as contemplated under the Act, so that such instances do not take place in future. The P.I.O. who is the Chief Officer to see that the concerned are warned and specifically informed not to repeat in future. A slight careless attitude lands a citizen before F.A.A. and also before the Commission there by wasting one's precious time and causing inconvenience. Hope public authority will ensure that such delays are not repeated in dealing with information seekers requests.

6.In view of all the above the show cause notice is to be discharged and proceedings dropped. Hence I pass the following order;

## **ORDER**

The show cause notice issued stands discharged the penalty proceedings are dropped

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 24<sup>th</sup> day of August 2011.

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