

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 39/SCIC/2011

I. S. Raju,
H. No. 706,
Acsona, Benaullim,
Salcete, Margao,
Goa

... Appellant

V/s.

1)Assistant Public Information Officer,
Assistant Engineer & Technical Officer,
P.W.D., SDII, WDXXV,
Fatorda,
Margao – Goa

... Respondent No. 1.

2)First Appellate Authority/SSW,
P.W.D., Altinho,
Panaji – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

J U D G M E N T
(15.07.2011)

1. The Appellant, Shri I. S. Raju, has filed the present Appeal praying that information furnished is not correct.

2. The case of the Appellant is set out in the Memo of Appeal which is on record. In short it is the case of the Appellant that the Appellant addressed a letter dated 26.10.2010 to the Technical Officer and A.E., P.W.D., Margao, requesting him to immediately revoke his N.O.C. against his complaint enclosing five supporting documents. Since there was no reply for 28 days the Appellant, vide his application dated 23.11.2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/T.O. and A.E., P.W.D., Margao for information on the action taken and disposal of his letter dated 26.10.2010. That since no reply was received for more than 42 days an appeal was filed before the First Appellate Authority (F.A.A.)/Respondent

No. 2. That vide Order dated 04.02.2011 the F.A.A. directed the P.I.O. to furnish the relevant information within a period of 10 days. That by reply dated 11.02.2011 the information provided is incorrect and misleading since his own office speaks of revoking the permission. Being not satisfied and aggrieved the Appellant has preferred the present Appeal.

3. The Respondents resist the Appeal and the reply of the Respondents is on record. In short it is the case of the Respondent No. 1 that the R.T.I. application dated 23.11.2010 was received however, reply could not be furnished because of the office exigencies and therefore lapses may be condoned. That the Appellant filed the Appeal before the First Appellate Authority and the same was decided on 04.02.2011 wherein Respondent No. 1 was directed to furnish the relevant information within a period of 10 days from the date of Order. That by letter dated 11.02.2011 the Respondent No. 1 furnished the information. It is further the case of the Respondent No. 1 that if there is an instance of violation of the prescribed condition of minimum 15 meters distance from the existing well, that the authorities to be approached are the Health Officer, the Local Village Panchayat and the Town and Country Planning Department and that to revoke the N.O.C./Licence is to be done by the above said authorities. The Respondent No. 1 denies that he is shirking responsibilities. According to the Respondent No. 1 the Appeal is liable to be dismissed.

4. Heard the arguments of the Appellant and Respondent No. 1. I have also perused the written submissions filed by the Appellant as well as Respondent No. 1 which are on record.

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

It is seen that by application dated 23.11.2010 the Appellant sought certain information, i.e. about action taken on his letter dated 26.10.2010. It appears that no reply was furnished and hence the Appellant preferred the First Appeal. By order dated 04.02.2011 the F.A.A. passed the order

directing the Respondent No. 1 to furnish the information within 10 days from the date of receipt of the order. It appears that by letter dated 11.02.2011 the information is furnished.

6. The main contention of the Appellant is that the information furnished is incorrect and misleading.

The Appellant has stated in para 5 of the Memo of Appeal about the same, that is, revocation of licence, about shirking responsibility, etc. However, it is to be noted that whatever information available is furnished. Under R.T.I., information that is available is to be given. Redressal of the grievance is with another authority.

In any case the existing information has been furnished.

7. Now it is to be seen whether there is delay in furnishing information. According to the Appellant there is 42 days delay. It is seen that the application is dated 23.11.2010. Reply is dated 11.02.2011. Apparently, there is delay. First Appellate Authority also mentions about the same. In any case the Public Information Officer should be given an opportunity to explain the same.

8. In view of the above, since the information is furnished no intervention of this Commission is required. The Respondent No. 1 is to be heard on the aspect of delay. Hence, I pass the following Order:

ORDER

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

Issue notice under section 20(1) of the Right to Information Act, to Respondent No. 1/PIO to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 20.09.2011. Public Information Officer/Respondent No. 1 shall appear for hearing.

Further inquiry posted on 20.09.2011.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 15th day of July, 2011.

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

