

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 72/SCIC/2011

Blaise Costabir,
7, Brindavan, Chandra Vaddo,
Fatorda,
Margao - Goa Appellant

V/s.

1) Public Information Officer,
Goa Industrial Development Corporation,
Panaji - Goa Respondent No. 1.

2) First Appellate Authority,
Goa Industrial Development Corporation,
Panaji - Goa Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

Shri Mandar Shirodkar, representative of Respondent No. 2.

J U D G M E N T **(27.09.2011)**

1. The Appellant, Shri Blaise Costabir, has filed the present Appeal praying that records of the proceedings be called for; that information be provided and that penalty be imposed.

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

That the Appellant, vide his application dated 31.01.2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(PIO)/Respondent No. 1. That the Respondent No. 1 replied on 28.02.2011 that he wanted to be specific about the information sought. That the Appellant had sought a copy of the file pertaining to plot 403 allotted to Shri Santosh Kust Dessai or Mehul Developers Pvt. Ltd. Being not satisfied the Appellant preferred an appeal before the F.A.A./Respondent No. 2. That the Respondent No. 2 dismissed the appeal stating that the appeal did not mention the information that was delayed. Being aggrieved by the Order of the

F.A.A./Respondent No. 2, the Appellant has filed the present Appeal on the grounds which are set out in the Memo of Appeal.

3. In pursuance of the notice the Respondent No. 1 and representative of Respondent No. 2 appeared. They did not file any reply as such and advanced arguments.

4. Heard both sides. On 15.06.2011 during the course of hearing the Appellant as well as Respondents agreed for inspection and accordingly inspection was given. On 11.07.2011 the Appellant filed an application stating that documents were inspected on 05.07.2011 and also stated that again an attempt to delay information and mislead was exposed.

5. I have carefully gone through the records of the case and also considered the submissions advanced by the parties.

It is seen that by Application dated 31.01.2011 the Appellant sought certain information as under:-

“Please give a copy of the file of Plot No. U3 in Verna Industrial Estate, it is allotted to Mr. Santosh Kust Dessai or Mehu Developers Pvt Ltd.”

This application was received by the Respondent No. 1 on 01.02.2011. By reply dated 28.02.2011 the Respondent No. 1 requested the Appellant to be specific. Being not satisfied the Appellant preferred the Appeal before F.A.A. The F.A.A. passed the Order as under:-

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However nothing has been mentioned specifically as to which information is delayed. I rule that the appeal has not been filed as required under R.T.I. Act 2005. The Application of the Appellant is thereafter not considered. However, he has been given opportunity to file a fresh application as required under

R.T.I. Act, 2005. The Applicant, however, states that the issue of seeking clarification on RTI query is delayed.”

In my opinion the Appellate Authority could dispose the same on merits as by then it would have clarified the matter as to what information the Appellant wanted.

6. The main grievance of the Appellant is that there was an attempt to delay the information. I do agree with this contention to some extent. If the Respondent wanted any clarification the Respondent No. 1/P.I.O. could have asked immediately and furnished the information accordingly. However he wrote to the Appellant on 28.02.2011 i.e. almost after 26-27 days. This is not proper. If the P.I.O. had sought clarification within say 3-5 days, he could furnish information in time.

7. The Appellant contends that there is delay in furnishing information. According to him he has received the information very recently. I have gone through the records. It is seen that there is a letter dated 28.02.2011. Information has been furnished even after that letter. In any case Public Information Officer should be given an opportunity to explain the same in the factual backdrop of this case.

8. In view of this, since information is furnished no intervention of this Commission is required. Regarding delay, the Public Information Officer is to be heard on the same. Hence, I pass the following Order:-

ORDER

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

Issue notice under section 20(1) of the RTI Act to the Respondent No. 1/Public Information Officer to show cause why penal action should not be taken against him for causing delay in

furnishing the information. The explanation, if any, should reach the Commission on or before 11.11.2011. Public Information Officer/Respondent No. 1 to appear for hearing.

Further inquiry posted on 11.11.2011 at 10:30.am.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 27th day of September, 2011.

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

