

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 61/SIC/2011

Mrs. Pamita Azavedo,
H.No. P-27,
Verem Reis Magos,
Portais, Bardez-Goa.

...Complainant

V/s

The Public Information Officer,
& Executive Engineer,
Electric Dept., Div VI,
Ansa Bhat, Mapusa-Goa

...Opponent

Complainant in person
Opponent present along with
his representative Shri K. Shetye

ORDER
(08-09-2011)

1. The complainant, Smt Pamita Azavedo, has filed the present complaint praying that P.I.O. be directed to furnish the information as requested by the complainant and that penalty be imposed.

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

That in terms of the complainant's letter dated 30/12/2010, the complainant had sought certain documents. That by letter dated 19/1/2011, the complainant was told to pay Rs. 2 and collect information which was collected by the complainant .

That the complainant, vide application dated 31/01/2010, sought certain information under Right to Information Act. (R.T.I., Act for short) from the Public Information Officer (P.I.O.)/ Opponent. That no information was furnished. Hence the present complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the opponent that the complaint is not maintainable as the appellant has not exhausted the remedy of First Appeal before the First Appellate Authority. That the information sought does not come within the ambit of Right to Information act still the P.I.O. has tried to give maximum and all the information furnished. The Opponent admits of having received the application seeking information. That in view of the complainant, the complainant was advised to make a complaint before a competent authority who is required to take the cognizance of the same. It

is further case of the Opponent that this Authority has not failed to provide the said information and has provided whatever information is available with this authority and that the question of penalty does not arise.

4. Heard the arguments, Shri C.X. Barreto representative of the complainant argued on behalf of the complainant and Shri Kashinath Shetye representative of the Opponent argued on behalf of the Opponent.

Written arguments of the Complainant are on record.

5. I have carefully gone through the records of the case and also considered the argument advanced by the parties. It is seen that complainant has sought information vide application dated 31/01/2011 By reply dated 17/03/2011, the information was furnished.

The grievance of the complainant is that the information regarding action taken report is not furnished.

6. During the course of arguments the P.I.O. as well as his representatives agreed to furnish information regarding action taken in the matter and that they would inform the complaint Authority/Police to take the necessary action. The Opponent to do so and inform the complainant

7. Regarding maintainability of the complaint. The complaint as filed is not maintainable. The complainant ought to have filed the first Appeal before approaching Commission . The complainant should take a note of the same in future.

8. In view of all the above, I pass the following order:-

ORDER

Complaint is partly allowed. The Opponent is hereby directed to furnish the information i.e action taken report and/or copy of the letter sent to the competent authority/Police within 30 days from the date of receipt of this order.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 8th day of September , 2011.

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

