

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

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

**Complaint No. 594/SCIC/2010**

M/s. Vastuseva Builder,  
Through its Proprietress  
Mrs. Milan N. K. Sambary,  
H. No. 430, Jayceenagar,  
Ponda – Goa

... Complainant.

V/s

Mr. P. S. S. Bodke,  
Public Information Officer,  
State Registrar-cum-Head of Notary Services,  
Registration Department,  
Govt. of Goa, 7<sup>th</sup> Floor, Shramashakti Bhavan,  
Panaji – Goa

... Opponent.

Adv. Smt. A.A. Bhobe for Complainant.

Adv. Smt. H. Naik for Opponent.

**O R D E R**

(30.09.2011)

1. The Complainant, M/s. Vatsuseva Builders, through its proprietress Smt. Milan N. K. Sambary has filed the present Complaint praying that record and proceedings of the application dated 18.12.2009 and the records and proceedings of Information Appeal No. 5/2010 from the file of Hon'ble Law Secretary/First Appellate Authority (FAA) be called for; the Complaint be allowed and the Opponent be directed to forthwith furnish the information as sought by the Complainant vide his application dated 18.12.2009 at question No. 4 as directed vide Order dated 24.10.2010 in Information Appeal No. 5/2010, free of cost; that penalty be imposed on the Opponent.

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

That the Complainant vide application dated 18.12.2009 sought certain information under Right to Information Act, 2005 ('RTI Act' for short) from the Public Information Officer (PIO)/Opponent. That the Opponent vide reply dated 18.03.2010 gave incomplete information and did not furnish information as sought under question 4 of the application dated 18.12.2009.

3. Being aggrieved by the said refusal the Complainant filed Appeal before FAA. By order dated 26.10.2010 the FAA was pleased to direct the Opponent

to furnish full and correct information to question No. 4 alongwith documentary evidence if any as sought by the Complainant vide application dated 18.12.2009 within the period of two weeks from the receipt of the Order. That the Opponent did not comply with the directions of FAA. However, on 24.11.2010 the Complainant received a letter dated 09.11.2010 from the Opponent enclosing a copy of the letter dated 01.09.2010 issued by Registrar of Cooperative Societies, Shri P. K. Velip Kankar. That the letter was posted on 22.11.2010 as per postal records. It is the case of the Complainant that the Opponent has failed to comply with the directions issued by FAA and that the Opponent has not furnished full and proper information. Hence, the present Complaint on various grounds as set out in the Memo of Complaint.

4. The Opponent resists the Complaint and the reply is on record. It is the case of the Opponent that the Opponent has furnished entire information including question No. 4 within the time prescribed by the FAA. The Opponent denies that Opponent furnished incomplete information. That there is no refusal to furnish the information. That the Opponent has fully complied with the Order of the FAA within the prescribed period as directed by the FAA. The Opponent also denies about posting, etc. It is further the case of the Opponent that even assuming that there is slight delay the same was not intentional and or due to the mistake of Despatch Clerk/Peon. According to the Opponent the Complaint is liable to be dismissed.

5. Heard the arguments. Adv. Smt. A. A. Bhoje argued on behalf of Complainant and Adv. Smt. H. Naik argued on behalf of the Opponent.

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

It is seen that by letter dated 18.12.2009 the Complainant sought certain information. It is seen from record and particularly letter dated 18.03.2010 that information was sent by letter dated 20.01.2010. However, as per directions of the FAA during the course of hearing on 17.03.2010 in Appeal No. 5/2010, the Opponent furnished the modified reply. Apparently, being not satisfied by the earlier reply the Complainant preferred Appeal before FAA. By Order dated

26.10.2010 the appeal was allowed and the Opponent was directed to furnish to the Complainant full and proper information to question No. 4 alongwith documentary evidence if any as sought by an application dated 18.12.2009 within two weeks from the receipt of the Order. It appears the information has been furnished in pursuance of the Order of FAA.

7. During the course of arguments Advocate for Complainant submits that information is furnished. However, there is delay in complying the Order of the FAA. According to her penalty ought to be imposed on account of the said delay. Advocate for Opponent contends that information has been furnished in time and there is no delay as such. I have seen the Order as well as reply sent. In any case in my opinion PIO/Opponent should be given an opportunity to explain about the same in the factual backdrop of this case.

8. Since information is furnished no intervention of this Commission is required. Since there is delay the Opponent is to be heard on the same. Hence, I pass the following Order:-

### **ORDER**

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

Issue notice under section 20(1) of the RTI Act to the Opponent/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 10.11.2011. Public Information Officer/Opponent No. 1 to appear for hearing.

Further inquiry posted on 10.11.2011 at 10:30.am.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 30<sup>th</sup> day of September, 2011.

Sd/-  
(M. S. Keny)  
State Information Commission