

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 44/SCIC/2011

Shri Gajanan D. Phadte,
898, Nila Niwas, Alto Torda,
Porvorim - Goa

.... Appellant

V/s.

1) Public Information Officer,
Administrator of Comunidades,
North Zone,
Mapusa - Goa

.... Respondent No. 1.

2) First Appellate Authority,
Additional Collector-II (North),
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Adv. K. H. Bhosle for Respondent No. 1.

J U D G M E N T
(05.10.2011)

1. The Appellant, Shri G. D. Phadte, has filed the present Appeal praying that Public Information Officer be directed to furnish the information sought; that penalty be imposed and that disciplinary action be recommended.

2. It is the case of the Appellant that, vide application dated 11.01.2010, he 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 PIO did not provide information and hence he preferred First appeal before the First Appellate Authority (FAA). That the FAA failed to dispose the Appeal. Being aggrieved the Appellant has filed the present Appeal.

3. That in pursuance of the notice Adv. Shri K. H. Bhosle appeared on behalf of the Respondent No. 1 and he filed the written submission which is on record.

In short it is the case of the Respondent No. 1 that the Appellant had filed an application on 11.10.2010 under RTI Act seeking certain information from the Respondent No. 1. That since the information

requested at point No. 1 of the application dated 11.10.2010 is fully related to Comunidade of Serula the assistance of the Registrar/Attorney of the said Comunidade was sought under section 5(4) of the RTI Act vide letter dated 20.10.2010 and copy of the same was addressed to the Appellant. That this shows the clear intentions of the Respondent and eagerness in good faith to provide necessary information. It is the case of the Respondent that the office of the Comunidade de Serula was sealed upon the Orders of the Collector, North Goa, Panaji on 22.10.2010 and as such no information received from the Registrar/Attorney of the Comunidade of Serula on the subject matter and hence no information could be furnished with regards to point No. 1 and 2 of the application as well as inspection of the records. That the facts were brought to the notice of First Appellate Authority and as such matter was disposed off accordingly. That the PIO has not denied the information with any malafide intention.

4. Heard the Appellant and the learned Adv. Shri K. H. Bhosle for the Respondent No. 1. The Appellant has also filed the written arguments on record.

During the course of his arguments the learned Adv. Shri K. H. Bhosle states that the Comunidade was sealed. That they informed accordingly and as such information could not be furnished.

5. I have carefully gone through the records of the case and 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 in time.

It is seen that by application dated 11.10.2010 the Appellant sought certain information. By letter dated 20.10.2010 the A.P.I.O. sought the assistance under section 5(4) of the Registrar/Attorney of Comunidade of Serula, Alto Porvorim, Bardez-Goa. Copy of this letter was sent to the Appellant. Since information was not furnished the Appellant preferred an appeal on 29.11.2010. The matter was heard and posted for order on 03.01.2011, however, the order was not passed. It is seen that on 11.04.2011 the F.A.A. passed the order. It was ordered as under:-

“7. In view of the above, the Respondent is hereby directed to dispose off the Appellant’s application dated 11.10.2010 in its right

perspective by furnishing the information sought by the Appellant as per the records available with his office and if need arise to obtain the same from the office of Serula Comunidade keeping in mind the recent developments, within 15 days from the receipt of this order. Needless to mention that the Respondent shall also provide the inspection of the relevant records to the Appellant.”

It appears that this order is not complied with. The grievance of the Appellant is that no information is furnished so far.

6. During the course of arguments it was submitted that the said Comunidade is no more sealed and the said problem is now over. Therefore the Respondent No. 1 will have to furnish the information available with his office and also to obtain the same from the office of Serula Comunidade.

7. No doubt there is delay. However it is on record that on 20.10.2010 the Comunidade of Serula was sealed. It is on this day the letter was sent to the Escrivao/Attorney of the said Comunidade. However, the PIO was duty bound to inform the Appellant about the same within 30 days. This has not been done. In any case in view of sealing of Comunidade, etc. it would not be proper to penalize P.I.O or deemed P.I.O. However, they should be careful with R.T.I. matters in future.

Again there is delay on the part of the First Appellate Authority to dispose the Appeal. Under R.T.I. the F.A.A. should dispose the Appeal within 30 days or 45 days by giving reasons. Hope F.A.A. will bear in mind the time schedule in future.

8. In view of all the above the Respondent No. 1 to furnish the information as available with his office and also to obtain the same from the office of Serula Comunidade. In other words the Respondent No. 1 to comply the order of F.A.A. Hence, I pass the following Order:-

ORDER

The Appeal is allowed. The Respondent No. 1 is directed to furnish the information sought by the Appellant vide his application dated

11.10.2010 as per the records available with his office and also to obtain the same from the office of Serula Comunidade within 30 days from the receipt of this Order.

Inspection be given on a mutually agreed date.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 5th day of October, 2011.

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

