

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 157/SCIC/2011

Shri Dilip R. Natekar,
Mapusa Jana Jagruti Samiti,
H. No. 35, Ward No. 11,
Khorlim,
Mapusa - Goa

... Appellant

V/s.

1) Public Information Officer,
Mapusa Municipal Council,
Mapusa - Goa

... Respondent No. 1.

2) First Appellate Authority,
Directorate of Municipal Administration,
Collectorate Buidling, (Gr. Floor),
Panaji - Goa

... Respondent No. 2.

Shri J. T. Shetye, representative of the Appellant.
Adv. Shri S. Sardessai for Respondent No. 1.

J U D G M E N T **(10.11.2011)**

1. The Appellant, Shri Dilip R. Natekar, has filed the present Appeal praying that Public Information Officer be directed to furnish the information to all the issues raised by the Appellant vide his RTI application dated 28.01.2011. That penalty be imposed and that disciplinary action be initiated.

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

That the Appellant, vide his application dated 28.01.2011 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent No. 1. That the P.I.O. failed to furnish the information and hence the Appellant preferred the present Appeal before the First Appellate Authority (FAA). That by Order dated 20.05.2011 the FAA directed the P.I.O. to furnish the information within a period of 21 days from the date of order without charging fees. Since the Respondent No. 1 did not comply with the order of the FAA and being aggrieved the Appellant has preferred the present Appeal.

3. In pursuance of the notice issued the Respondents appeared. The Respondent no. 1 did not file any reply as such. However, Respondent

No. 2 has filed the reply. It is the case of Respondent No. 2 that the Appellant filed the Appeal. The same was heard on 20.05.2011 and that the order was passed.

4. Heard Shri J. T. Shetye, representative of the Appellant and the learned Adv. Shri S. Sardesai for Respondent No.1. During the course of arguments the Appellant as well as Advocate for Respondent No. 1 stated that information is furnished. According to the Appellant the same is furnished late and there is delay.

5. Now it is to be seen whether there is any delay as such. It is seen that application is dated 28.01.2011. There is a letter dated 25.02.2011 asking the Appellant to remain present for clarifications. In any case from the record it is seen that information is furnished by letter dated 08.09.2011. Apparently it appears there is some delay. In any case the P.I.O./Respondent No. 1 should be given an opportunity to explain about the same in the factual backdrop of this case.

6. Since information is furnished no intervention of this Commission is required. However, P.I.O./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, 2005 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 information. The explanation, if any, should reach the commission on or before 21.12.2011.

The Public Information Officer/Respondent No.1 shall appear for hearing.

Further inquiry posted on 21.12.2011 at 10:30 am.

Pronounced in the Commission on this 10th day of November, 2011.

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

