

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 62/SCIC/2010

Shri Sadanand Vaingankar,  
304, Madhlawada, Harmal,  
Pernem - Goa

.... Appellant

V/s.

1) Public Information Officer,  
Executive Engineer,  
Division V, Patto,  
Panaji - Goa

.... Respondent No. 1.

2) First Appellate Authority,  
S.S.W., P.W.D. Office,  
Altinho,  
Panaji - Goa

.... Respondent No. 2.

Appellant absent.

Shri A. Paliekar, representative of Respondent No.1 alongwith Adv. K. L. Bhagat.

**J U D G M E N T**  
**(24.10.2011)**

1. The Appellant, Shri Sadanand D. Vaingankar, has filed the present Appeal praying that Appeal be allowed; that Respondent No. 1 may please be directed to pay fine as applicable; that Respondent No. 1 may be recommended for disciplinary action under service rules applicable to him and for costs.

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

That the Appellant, vide an application dated 07.11.2009, 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 Appellant received letter dated 17.11.2009 on 20.11.2009 from Respondent No. 1 mentioning that documents required are traced and shall be provided as soon as the same are available. Being not satisfied the Appellant preferred the Appeal before the First Appellate Authority (F.A.A.)/Respondent No. 2. That during the hearing on 27.01.2010 the Respondent No. 1 furnished the information. That there was delay in furnishing the information hence the present Appeal.

3. The Respondents did not file any reply as such, however, Adv. K. L. Bhagat advanced arguments.

4. Heard the Appellant as well as Adv. K. L. Bhagat for the Respondent No. 1.

I have carefully gone through the records of the case and also considered the arguments advanced. 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 the Appellant vide application dated 07.11.2009 sought certain information from the Respondent No. 1. By letter dated 17.11.2008 the Respondent No. 1 informed the Appellant that information is being traced and shall be provided as soon as the same are available. Being aggrieved the Appellant preferred the Appeal before F.A.A. It appears that during pendency of the Appeal by letter dated 27.01.2010 the Respondent No. 1 furnished the information. By Order dated 04.02.2010 the F.A.A. observed that P.I.O. furnished the information and that Appellant inspected the documents and being satisfied with the furnished information stated that he has no further grievances in the matter against the Respondent S.P.I.O.. The Appeal was accordingly disposed off.

During the course of the arguments the Appellant submitted that the information has been furnished.

The only grievance of the Appellant is that there is delay in furnishing information.

5. Now it is to be seen whether there is delay in furnishing the information.

According to the Appellant there is delay whereas according to Adv. Shri Bhagat there is no delay. I have carefully gone through the records. It is seen that application is dated 07.11.2009 and information is furnished on 27.01.2010. Of course in between there is a letter dated 17.11.2009. In any case to my mind the P.I.O./Respondent No. 1 should be given an opportunity to explain about the same in the factual matrix of this case.

6. In view of all the above, since information is furnished no intervention of this Commission is required. The P.I.O. 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 P.I.O./Respondent No. 1 to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 05.12.2011. The P.I.O./Respondent No. 1 shall appear for hearing.

Further inquiry is posted on 05.12.2011 at 10:30 a.m.

Pronounced in the Commission on this 24<sup>th</sup> day of October, 2011.

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