

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.10/SCIC/2011

Mr. Sadashiv A. Danait,
A-5/3, Ishan Nagar,
Warje Pune 411058.

.... Appellant.

V/s.

The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa.

.... Respondent

Appellant absent
Respondents absent. His representative Shri Amit
Morudkar present.
Advocate S. Sardessai for respondent present.

J U D G E M E N T

(04/11/2011)

1. The appellant, Shri Sadashiv Danait has preferred the present appeal praying for compliance of the order of First Appellate Authority as well as for penalty.

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

That the appellant, vide application dated 21/04/2010, sought certain information under Right to Information Act, 2005('R.T.I.' Act for short) from the Public Information Officer(P.I.O.)/Opponent. By reply dated 27/05/2010, the opponent furnished the information. Being not satisfied, the appellant preferred the appeal before First Appellant Authority (F.A.A.). By order dated 31/8/2010 the F.A.A. ordered the

respondent to furnish the information to the appellant within 10 days from the date of order without charging fees. Since the respondent did not furnish the information the appellant has filed the present appeal.

3. The respondent resists the appeal and the reply of the respondent is on record. In short, it is the case of the respondent that the appellant sought information vide letter dated 21/04/2010 and received on 26/04/2010. That the respondent sent the reply by letter dated 27/5/2010. Being aggrieved the appellant preferred the appeal before the First Appellate Authority and the F.A.A. directed the respondent to furnish the information within 10 days. That the said information could not be provided to the said respondent due to the constant changing of the Chief Officer of the Office of the Respondent. It is further the case of the respondent that in respect of information sought by the appellant steps have been initiated (as per prescribed procedure) to issue requisition to the demolition squad. According to the respondent the appeal is liable to be dismissed.

4. Heard Adv. Shri Sankalp Sardessai on behalf of respondent. Appellant informed that being senior citizen he is unable to come from Pune.

5. 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 relief prayed is to be granted or not?

It is seen that by application dated 21/04/2010, the appellant sought certain information as under :-

“What steps you have initiated to execute your final order/notice dated 16/09/2003?”

2. The probable date by which entire illegal construction done, will be pulled down.

3. The name of the officer/Engineer put on the job.”

By reply dated 27/05/2010, the respondent informed the appellant that in respect of point at Sr. No.1 the same does not come within the purview of Sec.2(f) of the R.T.I. Act and regarding 2 and 3, the same is not available with the council. Being aggrieved the appellant preferred the appeal. By order dated 31/08/2010 the F.A.A. observed as under:-

“The respondent agreed to furnish the information as per the office record:

The respondent shall furnish the information to the appellant within 10 days from the date of order i.e. 26/08/2010 without charging fees.”

6. Regarding information at point No.2, the same amounts to future course. So also point No.3. However, I need not refer to this aspect as F.A.A. has ordered to furnish information. This order has not been challenged and therefore the same stands. The respondent to comply with the same.

7. Appellant in his application as well as appeal states that there is delay. According to Adv. Shri Sardesai there is no delay as such, however, the appellant was told about action being taken and hence there is no delay as such. In any case, the respondent/P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

8. In view of all the above, respondent to comply with the order of the First Appellate Authority. The respondent/P.I.O. will be heard on the aspect of delay. Hence, I pass the following order.

O R D E R

The appeal is allowed. The respondent/P.I.O. is hereby directed to furnish information to the appellant in pursuance of the order dated 31/08/2010 passed by the First Appellate Authority.

Issue notice U/s.20(1) of R.T.I. Act to the respondent/P.I.O. 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 respondent/P.I.O. shall appear for hearing.

The appeal is accordingly disposed off.

Pronounced in this Commission on this 4th day of November, 2011.

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

