

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.41/SCIC/2011

Shri G. D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim P.O. – 403 521

... Complainant

V/s

1. The Public Information Officer,
Administrator of Comunidades,
North Zone, Mapusa, Goa

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

... Respondents

Complainant present.

Respondents absent.

Adv. A. Mandrekar and Adv K. H. Bhosle for respondent
No.1 present.

J U D G E M E N T

(05/10/2011)

1. The appellant, Shri G. D. Phadte has preferred the present appeal praying for a direction to Public Information Officer to provide inspection of records and for imposing penalty.

2. It is the case of the appellant that, vide application dated 25/10/2010, the appellant 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

Public Information Officer failed to provide the requested information. Hence the appellant preferred the appeal before First Appellant Authority (F.A.A.)/Respondent No.2. That the F.A.A./Respondent No.2 disposed the appeal by providing information to point No.1, however, failed to furnish the information in respect of point No.2. Being aggrieved the appellant has preferred the present appeal.

3. In pursuance of the notice issued, Adv. Shri K. H. Bhosle appeared on behalf of respondent No.1 and he filed submission on behalf of Respondent No.1 which is on record. It is the case of the Respondent No.1 that the appellant did not make any application to Respondent No.1 on 13/09/2010. However, it is a fact that an application dated 25/10/2010 was filed seeking the information of marginal remarks made on his application dated 13/09/2010. That on 29/11/2010 the appellant preferred an appeal before F.A.A. i.e. Addl. Collector II, North Goa, Panaji and the date of hearing was fixed on 15/12/2010. That in the meantime, the copy of the application dated 13/09/2010 addressed to the Development Commissioner marked as 'MOST IMPORTANT PLEASE with subject matter Serula Comunidade Offences.....' was received in the office of the Respondent No.1 and accordingly vide letter dated 10/12/2010, the appellant was informed. That on 29/12/2010 when the matter was fixed before F.A.A. the said information

was furnished. It is the case of the respondent No.1 that there is no delay as such caused on his part, however, whatever period lapsed in providing information was because of ambiguity caused towards the application dated 13/09/2010. According to respondent No.1 appeal is liable to be dismissed.

4. Heard the appellant and Adv. Shri K. H. Bhosle for respondent No.1 Written arguments of the appellant are also on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties and written submissions on record. The point that arises for my consideration is whether the relief is to be granted or not?

It is seen that by application dated 25/10/2010, the appellant sought certain information i.e. information of marginal remark made on the application dated 13/9/2010 of Shri G.D. Phadte sent by the Office of the Collector, North Goa by letter dated 20/10/2010 etc and also inspection of records was sought. This letter was received on 26/10/2010. Since information was not sought the appellant was perforced to file the appeal before the F.A.A. During the course of hearing on 27/12/2010, the information was furnished. By order dated 27/12/2010 the appeal was disposed with reference to item No.1 of the application.

The grievance of the appellant is that item No.2 inspection was not given. Appellant has sought inspection and the same was not given. In any case, the same is to be given.

6. The next aspect is delay. Of course there is delay in furnishing information considering the fact that the application was received on 26/10/2010. However, the same is attributed by the respondent No.1 to the application dated 13/09/2010. The application of the appellant dated 25/10/2010 is clear and specific. Now the application dated 13/09/2010 was addressed to the Development Commissioner. I have perused the dates on the same. I have perused the letter dated 10/12/2010 on record. It is not known whether the same was addressed to the appellant. In any case the appellant received the information on 27/12/2010 as can be seen from the endorsement of the appellant as well as order of F.A.A. Of course the confusion is on the part of P.I.O./Respondent No.1. Since letter dated 13/09/2010 was addressed to the other authority it is possible that such confusion can arise. However under R.T.I the authorities to be careful, diligent and alert in handling R.T.I. matters. Considering that the delay is not intentional the same is liable to be condoned and is hereby condoned. However P.I.O. shall not repeat the same in future.

7. In view of all the above, since information to item No./Sr. No.2 is not provided the respondent No.1 to provide the same. Hence, I pass the following order.

O R D E R

The appeal is partly allowed. The respondent No.1/P.I.O. is hereby directed to provide/give the inspection of records as sought by the appellant vide his application dated 25/10/2010 within 20 days from the receipt of this order and report compliance.

The inspection be given on a mutually agreed date.

The appeal is accordingly disposed off.

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

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

