

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 177/SIC/2010

Shri Kashinath Shetye,
R/o.Bambino Bldg.,
Alto Fondvem, Ribandar,
Tiswadi-Goa

...Complainant

V/s.

The Public Information Officer,
North Goa Planning & Development Authority,
Archdiocese Bldg., Mala Link Road,
Panaji-Goa

... Opponent

Complainant present.
Opponent absent.
Adv. H.D. Naik for opponent present

ORDER
(04/11/2011)

1. The Complainant, Shri Kashinath Shetye, has filed the present complaint praying that the information as requested by the complainant be furnished to him correctly free of cost as per sec 7 (6); that the Penalty be imposed on the Public Information Officer as per law for denying the information to the complainant; that compensation be granted as for the detriment faced by the complainant for not getting the information and also for harassment caused for making him run from pillar to post and that inspection of documents be allowed as per rules.

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

That the complainant had filed an application dated 09/02/2010 under Right to Information Act 2005 ('R.T.I.' Act for short) thereby requesting the Public Information Officer (P.I.O.)/North Goa Planning Development Authority/Opponent to issue information specified there in. That the P.I.O./opponent failed to furnish the required information as

per the application of the Complainant and further no inspection of information was allowed. That considering the said non-action on behalf of opponent of the R.T.I. Act and being aggrieved by the order, the complainant has preferred the present complaint on various grounds as set out in the complaint.

3. The opponent did not file any reply as such. However, Adv. H.D. Naik for opponent advanced arguments.

4. Heard the arguments. The complainant argued in person and Adv. H.D. Naik argued on behalf of the opponent.

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

It is seen that by application dated 09/02/2010, the complainant sought certain information, that is, information in respect of 25 buildings at point (a) to (q). By reply dated 24/02/2010, the opponent informed the complainant that they are not maintaining files with building names and further requested to provide specific reference numbers of the authority so as to enable them to give required information.

The complainant there upon on 03/03/2010 filed the present complainant. I need not refer to this aspect much.

6. During the course of arguments Adv. Shri H.D. Naik reiterated that they do not maintain records by building name/number. At the same time he submitted that records available with them will be furnished. No doubt under R.T.I. Act only available information or information held by the Public Authority is to be furnished.

The complainant also seeks inspection of files. The same be given. The opponent can fix a date for inspection and thereafter the information could be furnished.

7. In view of this, I pass the following order:-

ORDER

The complaint is allowed. The opponent is hereby directed to furnish the information to the complainant as sought, vide application dated 09/02/2010, within 30 days from the receipt of the order.

The opponent to give inspection of documents/files to the complainant on a mutually agreed date but within 10 days from the receipt of this order and thereafter on inspection, the information be furnished as specified by him. The whole process to be completed within 30 days.

The complaint is accordingly disposed off.

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

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