

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 221/SCIC/2010

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

...Complainant

V/s

The Public Information Officer,
Directorate of Fire & Emergency Services,
St-Inez, Panaji-Goa.

.... Opponents.

Sonia Satardekar present for Comp.

Adv. K.L Bhagat for Opponent

ORDER

(20-09-2011)

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 section 7(6); that penalty be imposed on the P.I.O. for denying the information ; that compensation be granted and inspection of documents be allowed as per rules.

2. The case of the complainant as set out in the complaint is as under:

That the complainant has filed an application dated 09/02/2010 under Right to information Act 2005 (R.T.I. Act for short) there by requesting the Public Information Officer (P.I.O.)/Opponent to issue information specified therein. That the Opponent did not furnish the required information as per the application of the complainant and further no inspection of information was allowed. That the complainant is aggrieved by the order dated 02/03/2010 as the same is not as per the mandate of the R.T.I. Act. Being aggrieved the complainant has preferred the present complaint on various grounds as set out in the memo of complaint.

3. The Opponent resists the complaint and the reply of the Opponent is on record. In short it is the case of the Opponent that the complaint does not fall within the ambit of section 18 of the R.T.I. Act and hence ought to be dismissed in limine. That the complaint is premature as the complainant has not taken recourse of approaching the First Appellate Authority and on this ground also the complaint needs to be dismissed. On merits it is the case of the Opponent that

vide letter dated 02/03/2010, the opponent informed the complainant to collect the information as desired by the complainant from the directorate of Fire and Emergency Services , Santa-Inez, Panaji on any working day during the office hours by making payment of Rs. 16/- that the complainant was also informed that the requisite files pertaining to the information sought could be inspected by him with prior appointment of P.I.O. That this was informed within a period of 30 days. However, despite having received the said intimation, the complainant failed and /or neglected to pay the said amount and collect the information and also failed to take inspection of the said files. The opponent also denies the grounds set out in the complaint. It is further the case of the Opponent that available information was furnished and it is not incomplete information. According to the opponent the complaint is liable to be dismissed.

4. Heard the arguments of the representative of the complainant and also of Adv. Shri K.L. Bhagat for 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 the relief prayed is to be granted or not.

It is seen that the complainant, vide application dated 9/2/2010, sought certain information for the six P.I.O's. The Opponent being one of them. By reply dated 02/03/2010, the Opponent was informed to collect information after making payment of Rs.16/- and was also informed to take inspection of files . It appears that the complainant did not collect the same. However there is also a letter dated 2/03/2010, on record produced by complainant where by information in respect of four buildings have been furnished.

During the course of arguments Adv. Shri Bhagat submits that available information has been furnished and subsequently some other also collected and furnished. Under R.T.I. available information is to be furnished.

6. Adv. Shri Bhagat submits that the complaint is not maintainable letter dated 02/03/2010 is neither rejection nor denial of information. It was infact a request to collect on payment of Rs. 16/-. It appears that complainant instead of collecting chose to approach the Commission. I do agree with Adv. Shri Bhagat that complaint is not

maintainable. However I need not touch this aspect since information is furnished.

7. In view of all the above, no intervention of this Commission is required since information is furnished. However since inspection is not taken Opponent to give the inspection of files/documents on a mutually agreed date between complainant and Opponent. Hence I pass the following orders.

ORDER

Complaint is partly allowed. No intervention of this Commission required since information is furnished . The Opponent is hereby directed to give inspection of files/documents on a mutually agreed date within 15 days from the date of receipt of this order.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 20th day of September, 2011.

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