

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.27/SCIC/2011

Shri V. A. Kamat,
R/o.G-1, Ravindra-A,
Next to Hotel Ameya,
Opposite St. Inez Church,
St. Inez, Panaji, Goa

... Complainant

V/s

Dr. N. Radhakrishnan,
Special Secretary to Governor,
& Public Information Officer,
Governor's Secretariat,
Cabo, Raj Bhavan, Dona Paula, Goa

... Opponent

Complainant in person

Opponent present

ORDER
(12/12/2011)

1. The Complainant, Shri V. A. Kamat, has filed the present complaint U/s.18(1) of the Right to Information Act praying that the Commission be pleased to initiate an inquiry, that the decision of the opponent be set aside and the opponent be directed to furnish the information free of cost and that maximum penalty be imposed on the opponent U/s.20 (1) of the R.T.I. Act.

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

That the complainant vide his application dated 23/12/2010 sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer ('P.I.O.)/opponent. That the opponent vide his letter dated 20/1/2011 rejected the request on the ground that the opponent has contended before the Hon'ble High Court of Bombay at Panaji in W.P. No.478/2008 that the Governor is not a public authority and that the Hon'ble High Court has granted stay on the order dated 30/7/2008 of the Goa State Information Commission and since the case is sub-judice, it is not possible to furnish the information.

Being aggrieved the complainant has filed the present complaint on various grounds as set out in the complaint.

3. The case of the opponent is fully set out in the reply which is on record. In short it is the case of the opponent that the Office of the Governor is not "Public Authority" as defined in the R.T.I. Act, 2005. That the question as to whether the Governor is Public Authority is pending before the Hon'ble High Court in W.P. No.478/2008 where interim relief is granted. That no complaint can be filed unless statutory remedy available by way of an appeal has been exhausted, that this Commission has no jurisdiction to try and entertain present complaint as the Commission is not properly constituted as "BODY" in terms of Sec.15 of the R.T.I. Act. The opponent in his reply also refers transfer U/s.6(3) of the R.T.I. Act.

4. Heard both sides. The complainant states that he wants to withdraw the complaint. Since he wants to withdraw the request is to be granted. Hence I pass the following order.

ORDER

No intervention of this Commission is required. The complaint is disposed off as withdrawn.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 12th day of December, 2011.

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