

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 65/SCIC/2011

Capt. Madhukar A. Sheldekar,
H.No.2/267/A,
Dongorpur, NaikWado.
Calangute, Bardez-Goa

...Complainant

V/s

Panchayat Secretary,
Village Panchayat Calangute ,
Bardez-Goa.

....Opponent

Complainant in person along with Adv. A Kalangutkar
Shri R.N. Jurali present for Opponent.

ORDER

(25-10-2011)

1. The complainant, Shri Capt. Madhukar A. Sheldkar, has filed the present complaint praying that inquiry be held and the Respondent be punished as per the provisions of the law.

2. The case of the complainant in short is as under:

That the Complainant, vide application dated 28/12/2010, sought certain information under Right to Information Act, 2005. (RTI Act for short) from the Public Information Officer (P.I.O.)/Opponent. Since the Information was not given, the complainant filed an appeal before First Appellate Authority (FAA). By order dated 25/2/2011, the First Appellate Authority directed the Opponent to give correct information to the Complainant within 10 days. It is further the case of the Complainant that in spite of the order the Opponent did not provide the information till date. That the 10 days granted by First Appellate Authority expired on 07/02/2011. Being aggrieved the complainant has preferred the present 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 Complainant had made an application dated 29/12/2010, requesting opinion of the Village Panchayat Secretary. The Opponent admits

about the appeal preferred and the order passed by First Appellate Authority. That the Opponent vide letter dated 28/01/2011 informed the Complainant, that the information sought by him from point 1 to 3 does not fall under the category of RTI Act. According to the Opponent he has not committed any offence under section 18. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments. The learned Adv. Shri V.A. Kamat argued on behalf of complainant and the learned Adv. Shri R.N. Jurali argued on behalf of the Opponent

Adv. for the Complainant referred to the facts of the case and submitted that no information is furnished. He next referred of the order of First Appellate Authority. According to him the same is not complied with. He next submitted that there is gross delay and that Opponent is liable for penalty.

During the course of argument Advocate for the Opponent submitted that the information sought is in the nature of opinion and that the same cannot be given.

5. I have carefully gone through the records of the case and also considered the argument advanced by the learned Advocates of the parties. The point that arises for my consideration is whether the information is furnished and whether the same is furnished in time.

It is seen that the complainant sought information vide application dated 28/12/2010. By reply dated 28/1/2011, the Opponent informed the Complainant that the information sought by him from point 1, 2 and 3 does not fall under the category of RTI Act. Being aggrieved the Complainant preferred the appeal before First Appellate Authority on 28/01/2011, inwards on 31/1/2011. By order dated 25/02/2011, First Appellate Authority directed the Opponent to give complete information to the Appellant within 10

days. According to the complainant the information is not furnished, even in pursuance of the order of the First Appellate Authority. During the course of arguments. Adv. Shri R.N. Jurali for Opponent submitted that he is furnishing the information, reply is given to the Complainant. Since information is furnished today before this Commission. no intervention of this Commission is required as far as information is concerned .

6. Now it is to be seen whether there is delay in furnishing information as contended by Adv. for the Complainant.

According to Adv. for the Opponent there is no delay as such. It is seen that Opponent sought information by application dated 28/12/2010. The reply given is dtd. 28/01/2011, this is in time. The order of the First Appellate Authority is dated 25/02/2011. As per the order the information was to be furnished within 10 days. According to the complainant, the same is not furnished. In any case to my mind the Opponent/PIO is to be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of all the above since the information is furnished no intervention of this Commission is required. Opponent /PIO is to be heard on the aspect of delay. Hence I pass the following order.

ORDER

Complainant is partly allowed. No intervention of this commission is required as information is furnished. Issue notice under section 20(1) of the RTI Act, 2005 to the PIO/ Opponent to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation if any, should reach the Commission on or before 12th December, 2011. P.I.O. shall appear for hearing.

Further inquiry posted on 12/12/2011 at 10.30 am. Complaint is accordingly disposed off.

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