

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 92/SIC/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
Opponent absent Adv. Shri R.N. Jurali for Opponent

ORDER

(25/10/2011)

1. Complainant, Shri (Capt.) Madhukar M.A. Sheldekar has filed the present complaint praying that the inquiry be held and the Respondent be punished as per the provision of the law.

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

2. That the complainant, vide application dated 03/02/2011, 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 since the information was not given, the complainant filed an appeal before the First Appellate Authority. By order dated 11/04/2011, the Respondent was ordered to handover the correct information at point No.3 and 4 and reply on point no. 1 and 2 within 10 days. By reply dated 20/04/2011 the Respondent provided vague and incomplete information. That the Opponent had deliberately given wrong and misleading information. That the Opponent wants to harass the complainant who is a senior Citizen. That in spite of the order the Opponent did not provide correct information till date and before filing the present complaint.

3. The Opponent resists the complaint and reply is on record. In short, it is the case of the Opponent that by Application dated 03/02/2011, the Complainant sought opinion from P.I.O. That the Opponent informed the Appellant vide letter dated 17/02/2011, that the information sought by complainant at point no. 1 and 2 does not fall under the Right to Information Act. That regarding point no. 3 and 4 of the application the opponent sought some clarification, so that the information can be provided to the complainant, but no clarification was given by complainant and instead preferred appeal before First Appellate Authority. That by order dated 11/04/2011, the Opponent was directed to furnish the information within 10 days. It is further the case of the Opponent that by letter dated 20/04/2011, the Opponent informed the complainant the Dy. Sarpanch has signed and no further renewal of establishment license is carried out. According to the Opponent, the complaint is liable to be dismissed.

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

Adv. Shri Kamat submitted the information is furnished. He referred to the application as well as replies on record. According to him there is delay. He also referred to the order of First Appellate Authority.

During the course of his arguments Adv. Shri R.N. Jurali submitted that what was asked was opinion as such the same was not given.

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

6. It is seen that by application dated 03/02/2011, the complainant sought certain information. The information consisted of 4 item i.e. sr. No.1 to 4. By reply dated 17/02/2011, the Opponent informed the Complainant that the information sought by him at point no.1 and 2 does not fall under the category of RTI. In respect of 3 and 4 the Opponent requested the complainant to give the name of person whom the trade license was issued, so that information sought can be given on priority basis. It is seen that the Complainant filed appeal before First Appellate Authority. As per the endorsement it is seen that the same was filed on 15/03/2010, by order dated 11/04/2011, the First Appellate Authority directed the Opponent to furnish the information within 10 days. It is seen by reply dated 20/04/2011, the Opponent furnished the information in pursuance of the order passed by First Appellate Authority. The grievance of the Complainant is that the information that is given is vague and incomplete..

7. I have gone through replies. The Appellant has been furnished the information. However the information furnished is not clear even after order of First Appellate Authority. Appellant tried to comply it, but again did not give full information. Under RTI what is sought is to be given.

I do agree with the Complainant in respect of Point no. 1 and 2, however First Appellate Authority has passed order to reply point no. 1 and 2. This order is binding on the Opponent.. The Opponent has not challenged the same and therefore the same stands. According to the Adv. for the Complainant the information given is incomplete and misleading. Technically speaking the opponent has given vague information. However benefit is to be given to the Opponent when Adv. for Complainant contends that it

is incomplete and misleading. In any case the Opponent will have to furnish the full and clear information in respect of Point/item at Sr.No. 1 to 4 as ordered by First Appellate Authority.

8. Coming to the aspect of delay considering the Appellant's application and reply furnished the same is in time.

Again considering the order of First Appellate Authority and the reply of the Opponent the same is in time. In any case there is no much delay as such.

9. In view of all the above the Opponent has to furnish specific and clear information Hence I pas the following order:-

ORDER

The Complaint is allowed. The Opponent is hereby directed to furnish the information as sought by the Complainant vide application dated 03/02/2011 within 20 days from the receipt of this order.

Adv. Shri R.N. Jurali states that he is furnishing the information to the complainant. The complainant to receive the same.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 25th day of October, 2011.

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