

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.421/SIC/2010**

Shri Uday A. C. Priolkar,  
R/o. H. No.C5/55, Mala,  
Panaji – Goa

... Complainant

**V/s**

1. The Public Information Officer,  
Administrator of Comunidade,  
Central Zone,  
Comunidade Bldg.,  
Church Square, Panaji-Goa

... Opponent

Complainant in person.

Opponent absent.

Her representative Smt. Tereza Barreto present.

**ORDER**  
(21/12/2011)

1. The Complainant, Shri Uday A. C. Priolkar, has filed the present complaint praying that the opponent be directed to furnish the information sought by him; that cost of Rs.250/- for each day be paid to the complainant and that disciplinary action be initiated against the opponent as provided under Sec.20(2) of the Right to Information Act.

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

That the complainant vide his application dated 24/03/2010 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 information sought did not fall under any of the restricted item mentioned in the Act. That the opponent by reply dated 23/04/2010 informed the complainant that information sought under R.T.I. Act is not applicable to the Institute Of Comunidade which are private bodies. Being aggrieved the complainant has preferred the present complaint on various grounds as set out in the complaint.

3. The opponents resists the complaint and the reply of the opponent is on record. In short, it is the case of the opponent that their office received application dated 24/03/2010 from the complainant. That the

same was forwarded to the clerk of Kundaim Comunidade on 30/03/2010 with the directions to place before the Managing Committee and submit the information within 10 days to their office. That on 22/4/2010 the clerk of Comunidade submitted the resolution of the Managing Committee in respect of application dated 24/03/2010 wherein the Managing Committee has rejected his application. That by letter dated 23/04/2010 the opponent informed the complainant about the decision of the Managing Committee. That there after by letter dated 21<sup>st</sup> July, 2010, the opponent requested the Managing Committee to furnish the information as desired by the complainant. That after lot of effort done by their office, information was submitted by the Managing Committee to their office and that the complainant was informed to pay necessary fees to collect the information vide letter dated 9/8/2010 and the same was furnished to the complainant vide letter dated 11/8/2010 and 13/8/2010. Since information is already furnished the complaint is liable to be dismissed.

4. Heard the arguments and perused the records.

It is seen that by application dated 24/03/2010, the complainant sought certain information from the opponent. The information pertains to the Comunidade of Kundaim, Ponda, Goa. By reply dated 23/04/2010, the opponent informed the complainant that information could not be furnished in view of the resolution adopted by the Comunidade. According to the same, R.T.I. Act is not applicable to the Comunidade which are private bodies and that information was not furnished. This reply appears to be in time. Being aggrieved the complainant preferred the present complaint. It appears that the opponent through their efforts got the information from the Comunidade and the said information was furnished to the complainant and the complainant received the same after making payment on 12/8/2010. It is seen that the information has been received.

5. According to the complainant there is delay. It is to be noted here that opponent was not the custodian of the information. Information was with the Comunidade of Kundai. They refused to give the information on the ground that R.T.I. Act is not applicable to the Comunidade. This reply was furnished in time. However, the

opponent somehow or through their efforts succeeded in getting the information subsequently and the same was furnished to the complainant. From this factual backdrop that there is no intention or deliberate intention to furnish the information late. It is seen that opponent was not having the information and he furnished the same after collecting from another authority. In any case it would not be proper to penalize the opponent in view of these facts.

6. The complainant contends that he has paid the fees and that the same be refunded. It is seen from record that by letter dated 9/8/2010, the complainant was told to pay the charges. It appears that the same were paid and thereafter information was furnished. Under the factual backdrop it cannot be considered as delay. In any case, the complainant can agitate the issue before the concerned P.I.O.

It is seen that complainant has approached this commission directly. It is to be noted here that first appeal is to be preferred . An information seeker cannot and should not skip the First Appellate Forum. This has been held by various rulings. In any case, complainant to take note of the same in the future. Since information is furnished, no intervention of this commission is required.

7. In view of all the above, I pass the following order.

### **ORDER**

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 21<sup>st</sup> day of December, 2011.

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