

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.130/SCIC/2011**

Shri Bandhagit Nadaf,  
R/o.9, 3<sup>rd</sup> Floor, Karma Paes Avenue,  
F.L. Gomes Vasco-Da-Gama, Goa ... Appellant.

V/s.

1. The Public Information Officer,  
Mormugao Municipal Council,  
Vasco Da Gama, Goa
2. The First Appellate Authority,  
Director of Urban Development,  
Collectorate Building,  
Panaji-Goa ... Respondents

Appellant in person.

Respondent No.1 and 2 absent.

Adv. Hyder Khilji for respondent No.1 present

**J U D G M E N T**  
**(16/01/2012)**

1. The Appellant, Shri Bandhagit Nadaf, has filed the present appeal praying that the information as requested by the complainant be furnished correctly and free of cost as per Sec.7(6); that penalty be imposed on the P.I.O. for knowingly denying the information to the appellant/complainant with malafide intention; that compensation be granted and that information and inspection of documents may be allowed as per rules.

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

That the appellant/complainant, vide application dated 24/12/2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent No.1. That the P.I.O. failed to furnish complete and detailed information to the questions at Sr. Nos. 1, 10, 11, 12 and 13. That the P.I.O. failed to furnish the required information as per the application of the appellant and further no say/information was allowed. Being not satisfied the appellant preferred an appeal before the First Appellate Authority(F.A.A.)/respondent No.2. By order dated 29/4/2011, the F.A.A. directed the P.I.O. to furnish the information required by the appellant within 10 days from the date of order, without charging fees. That till date no information is furnished thereby complying the order of the F.A.A. Being aggrieved the appellant has preferred the present appeal on various grounds as set out in the memo of appeal.

3. The respondents resist the appeal and their replies are on record. It is the case of the respondent No.1 that the complaint filed by the Complainant is not maintainable in law as well as on facts and the same has to be dismissed in limine. That the complaint is devoid of material particulars required for complete adjudication of the controversy. That this Commission has no jurisdiction to entertain the present complaint. That the complaint/appeal is barred by the law of limitation. On merits it is the case of the respondent No.1 that the appellant had moved an application dated 24/12/2010 under the R.T.I. Act and had sought information related to Land Acquisition case on 13 aspects. That whatever information was available with the respondent was provided to the appellant. That no further information was available with the respondent. It is true that the appellant preferred an appeal and that order directing the respondent 1 to furnish

the information required by the appellant within 10 days from the date of order dated 29/4/2011 without charging fees. The respondent No.1 denies that the respondent did not comply with the order. Since there was no more information available with the respondent, the respondent was unable to provide more information and that whatever information was available was provided to the appellant. The respondent No.1 denies the grounds made out in the appeal memo as false and incorrect. According to the respondent No.1, the complainant/appellant is not entitled for any relief claimed and that the complaint/appeal be dismissed.

It is the case of the respondent No.2 that the appeal was filed. That notices were issued to the parties and after hearing the parties, order dated 6/5/2011 was passed.

4. Heard the appellant/Complainant and Advocate H. Khilji for respondent No.1.

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 appellant/complainant sought certain information consisting of 13 items i.e. point at Sr. No.1 to 13. By reply dated 28/1/2011, the respondent No.1 furnished the information. Being not satisfied with the information the appellant/complainant preferred an appeal. By order dated 6/5/2011, the F.A.A passed the order observing as under :-

“The appellant has sought information on Land Acquisition case on 13 aspects. The respondent has not furnished complete and detailed information to the questions at Sr. No.1, 10, 11, 12 and 13.

The respondent shall furnish complete and detailed information to questions at Sr. No.1, 10, 11, 12 and within a period of 10 days from the date of order i.e.29/4/2010 without charging fees.”

From the records it is seen that no information appears to have been furnished in pursuance of this order. In fact this appeal is for non-compliance of the order. This order has not been challenged and therefore the same stands. The respondent No.1/P.I.O will have to comply with the same.

6. The appellant contends that there is delay in furnishing information. This is disputed by the Adv. for the respondent No.1 According to him the initial reply is in time. Appellant contends that there is delay in complying with the order of the First Appellate Authority. In any case the respondent No.1 should be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of all the above the respondent No.1 will have to comply with the order of the F.A.A./Respondent No.2 The respondent No.1 should be heard on the aspect of delay. Hence I pass the following order :-

### **ORDER**

The appeal/complaint is allowed. The respondent No.1 is hereby directed to comply the order of the F.A.A./respondent No.2 and/or furnish the appellant the information sought by him vide application dated 24/12/2010 within 20 days from the date of receipt of this order.

Issue notice U/s. 20(1) of Right to Information Act, 2005 to the respondent No.1/P.I.O. to show cause why penal action

should not be taken against him for causing delay in complying with the said order/furnishing information. The explanation, if any, should reach the Commission on or before **12/03/2012**. The respondent No.1/P.I.O, shall appear for hearing.

Further inquiry posted on **12/03/2012 at 10.30 a.m.**

The appeal/complaint is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of January, 2012.

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