

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No. 22/SCIC/2011**

Laximan V. Kandolkar,  
S/o. late Shri Vishram Kandolkar,  
R/o. Waddi, Candolim,  
Bardez - Goa ... Complainant.

V/s

Public Information Officer,  
Goa Coastal Zone Management Authority,  
Saligao,  
Bardez – Goa ... Opponent.

Adv. Shri Yatish Naik for Complainant.  
Opponent in person.

**O R D E R**  
(07.02.2012)

1. The Complainant, Shri Laximan V. Kandolkar, has filed the present Complaint praying that the Opponent be directed to furnish the information sought by the Complainant vide application dated 11.11.2010.

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

That the Complainant, vide application dated 11.11.2010 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 was mandated by virtue of the provisions of RTI Act to provide the said information within a period of 30 days. That the Opponent vide letter dated 01.12.2010 addressed to the Complainant had communicated to the Complainant that the information sought is vast and that the same needs further time to compile the same. That the Opponent has failed to provide any information to the Complainant till date thereby implying denying the said sought specific information. Being aggrieved the Complainant has filed the present Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that the application of the Complainant

was received and that the same was submitted by one Shri Savio Britto on behalf of the Complainant. That the information sought is voluminous. That point 5 and 6 of the application was transferred to the concerned Village Panchayat within the stipulated time frame and that party was intimated about this transfer of application. That the Opponent intimated the Complainant vide letter dated 02.12.2010. That since the information is vast and extensive the Opponent needs further time to compile the information sought for. That the Opponent somehow managed to compile the information within the stipulated time frame and intimated the said Savio Britto that information was ready and to come and collect the same during office hours. That the Opponent was informed by Savio Britto that he was specifically and deliberately instructed not to collect the information and that the applicant himself/Laximan would approach the respective office and collect the information requested for personally. That the necessary action was taken by the P.I.O. as prescribed by the Act to intimate the Complainant under Section 7(3) by informing Shri Savio Britto who gave the application to the office of the Opponent. However, as nobody came to collect the information the P.I.O. then wrote a letter on the address furnished by the Complainant to inform him to come and collect the information vide letter dated 01.02.2011. The Complainant refused to accept the intimation and the registered letter returned back with postal endorsement "Left". It is the case of the Opponent that even though three applications were filed information was not collected by the applicant and that only one matter has been filed before this Commission. It is further the case of the Opponent that the present Complaint is filed only to harass the Opponent because the office of the Opponent had issued Show Cause Notice to the Complainant for illegal construction carried by the Complainant. It is also the case of the Opponent that Complaint is not maintainable and that Complainant has not approached the First Appellate Authority. According to the Opponent Complaint be dismissed.

4. Heard the arguments. The learned Adv. Shri Yatish Naik argued on behalf of the Complainant and the Opponent argued in person.

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 by application dated 11.11.2010 the Complainant sought certain information. The information consists of 11 points, i.e. Sr. No. 1 to 12. The same was received on 12.01.2010. By letter dated 01.12.2010 the Opponent informed the Appellant that information sought is vast and extensive and needs further time to compile the same. Being aggrieved the Complainant filed the present Complaint on 25.01.2011. It is the case of the Opponent that since the Application was filed on 12.11.2010 the stipulated time frame expired on 12.12.2010, the Opponent somehow managed to complete the information within the stipulated time frame and intimated the said Mr. Savio Britto i.e. the person who handed over the application to the office of the Opponent that the information is ready. That the said Savio Britto was informed that the information was ready and to come and collect during office hours. The Declaration of Savio Britto is on record. According to the P.I.O. necessary action was taken as prescribed by the Act to intimate the Complainant under Section 7(3) by informing the said Shri Savio Britto, however, nobody come to collect the information. The P.I.O/Opponent also wrote a letter to the Complainant informing to collect the information, however, the Complainant refused to collect the same. The Xerox copy of the letter i.e. envelope is produced. The same bears the endorsement 'left'. To confirm the Register was brought and the same was checked in the presence of Advocate for Complainant and it was confirmed that letter was posted.

6. I have perused the application seeking information. The information sought is vast/voluminous. Normally in such cases under R.T.I. Act inspection could be given or if application Section 10 also could be invoked. In any case R.T.I. Act is a time bound programme. P.I.O. should see that time limits are maintained. Information seekers should collect the information when called that is in the true spirit of the Act. The main concern should be information.

7. In any case in the instant case the Opponent/P.I.O. should furnish the information. Since there is some delay the same be furnished free of cost.

8. Opponent contends that Complaint is not maintainable as Complainant has not preferred the First Appeal.

No doubt although Section 18 of the R.T.I. Act accords to an information seeker the right to approach the Commission directly in a Complainant it would

be wholly inappropriate to take the instant matter in a complaint. The remedy of First Appeal under Section 18(1) is available to the Complainant herein. It is to be noted that Section 18 cannot be allowed to be used as a substitute for Section 19 of the Act. I am fortified in this contention by the observations of the Hon'ble High Court of Judicature at Bombay Goa Bench in Writ Petition No. 132 of 2011 with Writ Petition No. 307 of 2011 (reported in 2011 (6) ALL MR 531).

In any case the Complainant to take note of the same in future.

9. In view of all the above, the Opponent/P.I.O. to furnish the information to the Complainant. Hence, I pass the following Order:-

### **ORDER**

The Complaint is allowed. The Opponent is hereby directed to furnish to the Complainant the information sought by him vide his application dated 11.11.2010 free of charge within 15 days from the date of receipt of this Order.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 7<sup>th</sup> day of February, 2012.

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