

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

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

**Complaint No. 177/SIC/2011**

Shri Mukeshbabu D. Navelkar,  
Advocate,  
4<sup>th</sup> Floor, Manguirish Bldg.,  
Panaji – Goa

... Complainant.

V/s

Public Information Officer,  
Custodian of Evacuee Property,  
Government of Goa,  
Bhatulem,  
Panaji – Goa

... Opponent.

Complainant in person.

Shri Hipolito Fernandes, Head Clerk, representative of Opponent.

**O R D E R**

(08.02.2012)

1. The Complainant, Shri Mukeshbabu D. Navelkar, has filed the present Complaint praying that the necessary direction be issued to the Opponent to furnish the requested information/documents to the complainant immediately' direct the concerned State authority to appoint/designate Public Information Officer in the office of the Custodian of Evacuee Property and that penalty be imposed for delay/refusing to give information.

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

That the Complainant vide an application dated 12.10.2011 sought certain information from the Public Information Officer (P.I.O.)/Opponent. That the said application as received by the Opponent on 13.10.2011 however, till date the Opponent has neither given requested information nor has given any reply to the said application inspite of the Complainant personally visiting the Opponent's office several times. That the Complainant has enquired whether the concerned P.I.O., Assistant P.I.O. appointed in respect of the Custodian office but he could not get satisfactory answers for the same and it appears that such officers have not been appointed. That as a result of this the Complainant is not getting the requested information/documents from the

Opponent and there is delay in furnishing the documents. That in the list published by the concerned State authority the name of Opponent does not figure. That though the application has been accepted by the office concerned no P.I.O. appointed under the Act and as a result the Complainant has to face hardship on not getting the requested information. It is further the case of the Complainant that Opponent has delayed to give the requested information though statutory period has been over hence the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that consequent upon the Government decision the office of the Custodian of Evacuee Property is detached from Government Budget Provision in the year 2002 and in view of this decision the Collectorate of North Goa has withdrawn his Staff i.e. Head Clerk, U.D.C., L.D.C., Accountant and Peon who were working in this office from Common Cadre. After withdrawal of Staff the office is functioning without any regular Staff and presently the office is devoid of any regular Staff. That inspite of this the office is trying to supply the information under RTI within statutory period. That it is incorrect to state that no P.I.O. has been appointed to this office. That in fact the Government vide notification dated 23.02.1998 the Custodian has been notified as competent authority under Section 2 of Goa RTI Act, 1997. The Opponent admitted that application dated 12.10.2011 filed by the Complainant was received by their office on 13.10.2011. That the Complainant visited their office to find out the progress made in the matter to furnish the required information. The Complainant was informed that the required information is being searched and will be given as early as possible. That the Complainant was then contacted on 18.11.2011 on the cell phone and he was asked to inspect the documents before they are being issued with further direction that the certified copies pertaining to the Courts are to be obtained from the respective Courts. That the Complainant was informed that some original documents are not traceable but Xerox copy of the same will be provided and the certified copy will be issued only in case of signed documents available on record. It is further the case of the Opponent that the Complainant inspected the documents being supplied to him on 28.11.2011 and he was satisfied with the information being supplied to him. That on being asked to pay prescribed fees the Complainant instead of collecting the information under RTI Act has filed this Complaint before this Commission. According to the

Opponent the applicant be directed to collect the relevant Xerox and certified copies and reject the Complaint filed.

4. Heard both sides and perused the records.

5. During the course of the arguments Shri Hipolito Fernandes, Head Clerk, representative of the Opponent submitted that the Complainant was contacted and he was asked to inspect the documents before being issued to him. Accordingly he inspected and he was satisfied with the information however he did not collect the same. He next submitted that documents are kept ready on the basis of inspection carried out by the Complainant and the same can be collected at any time.

The Complainant agrees and states that he would collect the same. Both, the Complainant and Opponent have mutually agreed on a date i.e. 15.02.2012 on which day the Complainant would collect the information.

6. In view of all the above I pass the following Order:-

### **ORDER**

Complaint is allowed and the Opponent to furnish the documents as sought by the Complainant vide his application dated 12.10.2012 and as agreed herein above on 15.02.2012.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08<sup>th</sup> day of February, 2012.

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