

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.247/SIC/2011

Miss Elvina Barretto,
R/o.H. No.553, Colsor,
Galgibaga, Canacona-Goa

... Appellant.

V/s.

The Public Information Officer cum
Village Panchayat Secretary,
Village Panchayat Poinguinim
Canacona – Goa

... Respondent

Appellant present
Respondent present

J U D G M E N T
(07/02/2012)

1. The Appellant, Miss Elvina Barreto has filed the present appeal praying that the Public Information Officer be directed to provide the information as sought by the appellant vide application dated 7/9/2011.

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

That the appellant, vide an application dated 07/09/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act' for short) from the Public Information Officer(P.I.O.)/respondent. That the respondent failed to furnish the information. Hence the appellant filed appeal before the Block Development Officer/First Appellate Authority(F.A.A). That by order dated 15/11/2011 the F.A.A./Respondent No.2 allowed the appeal and respondent/P.I.O. was directed to provide the information with respect to the application dated 07/09/2011 to the appellant within a period of four days free of cost. Being

aggrieved that the information has not been furnished, the appellant has preferred the present appeal.

3. The respondent resists the appeal and the reply/affidavit of respondent is on record. It is the case of the respondent that he joined duties in the Office of Village Panchayat Poiguinim of Canacona Taluka on 11/1/2012. Appellant had made an application dated 7/9/2011 asking certain information under R.T.I. Act. Thereafter the appellant filed first appeal before the B.D.O. Canacona for not providing the information. That B.D.O. passed order on 8/11/2011 directing the respondent/P.I.O. to provide the information with respect to the application dated 7/9/2011 to the appellant within a period of four days, free of cost. Thereafter the appellant filed the present appeal. It is the case of the respondent that during the period Shri Vithoba P. Mahale was the Secretary of Village Panchayat and it was his responsibility to provide the information. He states that the said secretary may be joined as a party.

4. Heard the arguments of the appellant as well as respondent. According to appellant, she has not yet received the information.

During the course of his arguments, the respondent submits that information was not furnished to the appellant by the earlier P.I.O. and that he has joined only recently.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The short point that arises for my consideration is whether the information is furnished and that too within time?

It is seen that by application dated 07/09/2011 the appellant sought certain information in the nature of documents. This application was received in the office of the respondent on 8/9/2011. It is seen that no information was furnished. It is also not disputed that information is not furnished and that appeal was

preferred and order was passed directing to furnish the information. Admittedly the information is not furnished to the appellant.

The order passed by the F.A.A. clearly directs the respondent/P.I.O. to furnish the information within 4 days. This order has not been complied with. The respondent/P.I.O. has to comply with this order. In any case, the information sought does not come under the exempted category and hence the same is to be furnished.

6. It is seen that there is some delay in furnishing the information. The appellant gracefully submits that she is interested in information and if information is furnished, she will have no grievance of any sort. To my mind since there is some delay, the information is to be provided free of cost as laid down in Sec.7(6) of the R.T.I. Act

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

ORDER

The appeal is allowed. The respondent/P.I.O. is directed to furnish to the appellant, information sought by her vide application dated 7/9/2011 within 15 days from the receipt of this order and report compliance.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 7th day of February, 2012.

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

