

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.62/SIC/2011**

Shri Ramesh R. Mandrekar,  
R/o.Vathadev, Bicholim-Goa

... Appellant.

V/s.

1. The P.I.O., Executive Engineer,  
W.D. XVII(PHE-N),  
P.W.D. Porvorim-Goa
2. The Supdt. of Surveyor of Works,  
P.W.D. Altinho, Goa

... Respondents

Appellant absent.

Adv. P. Gadkar present

Respondent absent.

Adv. V. Sardessai for respondent present.

**J U D G M E N T**  
**(30/01/2012 )**

1. The Appellant, Shri Ramesh R. Mandrekar, has filed the present appeal praying that the appellant may be furnished information as applied by the appellant in his application with the necessary copies of order and documents and that disciplinary action be initiated against the respondent for not supplying information within 30 days of limitation.

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

That the appellant, vide an application dated 08/11/2010, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act' for short) from the Public Information Officer(P.I.O.)/respondent No.1. That by letter dated 28/1/2011 the P.I.O. furnished the information. That the information furnished was false and incorrect. Being not satisfied the appellant preferred an appeal before the First Appellate Authority(F.A.A)/Respondent

No.2. That by order dated 17/2/2011 the F.A.A./Respondent No.2 directed the P.I.O. to furnish information free of cost and held that allegations made by the appellant are baseless and appeal was disposed off. It is the case of the appellant that the information furnished is totally false, fabricated and incomplete information. Being aggrieved by the same the appellant has filed the present appeal on various grounds as set out in the memo of appeal.

3. The respondent No.1 resists the appeal and the reply of respondent No.1 is on record. It is the case of the respondent No.1 that the appeal filed is frivolous, misconceived, baseless and devoid of merits and as such liable to be dismissed. That the same is filed with malafide intention to harass the respondent. The respondent No.1 denies that the information supplied vide letter dated 28/1/2011 by the P.I.O. are deemed to be false and incorrect. The respondent No.1 denies that the appellant lodged any complaint dated 26/2/2007 and therefore taking action on the complaint does not arise. That the same becomes infructuous. That information in respect of 2 is already furnished to the appellant. That information in respect of item 3 and 4 all the certified copies along with the site plan already furnished to the appellant. In short according to the respondent No.1 all information sought by the appellant is furnished to the appellant free of cost and that the information furnished to the appellant is correct and complete based on the documents available in the office. That the appellant is not entitled to any relief and the appeal be dismissed.

4. Heard the arguments. The Ld. Advocate Shri P. Gadkar argued on behalf of the appellant and the Learned Adv. Shri V. Sardesai argued on behalf of the respondent No.1.

The learned Adv. Shri Gadker submitted that information is furnished, however, the same is incorrect, incomplete and false.

During the course of his arguments Adv. Shri Sardessai submitted that information furnished is true and correct as available on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the Ld. Advocates of 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 08/11/2010 the appellant sought certain information. As per appellant's version by letter dated 28/1/2011 information was furnished. It appears that on 7/1/2011 the appellant preferred an appeal before First Appellate Authority/Respondent No.2. It appears that information was furnished on 28/1/2011, however, it transpires from the order of F.A.A. that P.I.O. received the information only on 21/12/2010 and since there was delay information was furnished free of cost.

The F.A.A. in its order dated 17/2/2011 observed as under:-

“After hearing the submissions of both the parties and taking into consideration the documents on record, the undersigned is of the opinion that the respondent S.P.I.O. Executive Engineer Works Division XVII PWD has not shown any malafide intention in hiding or refusing to furnish the information sought by the appellant. From the documents submitted it is also seen that the respondent S.P.I.O. has given reply within the reasonable period of time limit after the receipt of the appellant's application dated 8/11/2010, in his office by e-mail as on 21/12/2010. The respondent S.P.I.O. has also reiterated that information furnished to the appellant is correct and complete based on documents available in his office and the appellant's application dated 26/02/2007 addressed to the Asst. Engineer of his office was still not traceable in their office perhaps being linked to another survey number and as such the allegations made by the appellant were baseless. It is also placed on record that

the appellant has received the relevant information as sought by him vide his application dated 8/11/2010 free of cost and based on the documents available in the office of respondent S.P.I.O.”

In any case the information is furnished and there is no dispute on that count.

6. I have perused the application dated 8/11/2010. The reply given is not produced by the appellant. In any case I do not wish to go to the aspect whether the information sought really comes within the purview of R.T.I. Act.

7. The main contention of the appellant is that the information furnished is incomplete, incorrect and false. This is disputed by the Advocate for the respondent No.1. According to him whatever is furnished is correct as available on record.

8. It is to be noted here that the purpose of the R.T.I. Act is per se to furnish information. Of course appellant has a right to establish that information furnished to him is false, incorrect, incomplete, etc.; but the appellant has to prove it to counter respondent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of the R.T.I. Act would be defeated. It is pertinent to note that the mandate of R.T.I. Act is to provide information - information correct to the core and it is for the appellant to establish that what he has received is incorrect and incomplete. The approach of the Commission is to attenuate the area of secrecy as much as possible. With this view in mind, I am of the opinion that the appellant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect, misleading etc as provided in Sec.18 (1)(e) of the R.T.I. Act.

8. In view of the above, since information is furnished, no intervention of this Commission is required. The appellant should

be given an opportunity to prove that the information is incomplete, incorrect, misleading etc. Hence I pass the following order.:-

**ORDER**

The appeal is partly allowed. Since information is furnished no intervention of this Commission is required.

The appellant to prove that information furnished is false, incorrect, incomplete etc.

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

The appeal is accordingly disposed off.

Pronounced in the Commission on this 30<sup>th</sup> day of January, 2012.

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