

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.132/SCIC/2011

Shri Bandhagit Nadaf,
R/o.9, 3rd 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 P.I.O./respondent No.1 for knowingly denying the information to the appellant with malafide intention; that full compensation may be granted as for the detriment faced by the Complainant for not getting the information and also for harassment caused for making him run from pillar to post 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, vide application dated 1/2/2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent No.1. That the respondent No.1/P.I.O. failed to furnish complete and detail information to the questions at Sr. Nos. a, b, c and d. That P.I.O. failed to furnish the required information as per the application of the appellant. Being not satisfied the appellant preferred an appeal before the First Appellate Authority(F.A.A.)/respondent No.2. That by order dated 29/4/2011, the F.A.A./Respondent No.2 directed the P.I.O./respondent No.1 to furnish the information required by the appellant within 10 days from the date of order i.e.29/4/2011, without charging fees. That till date there is no compliance of 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. In short, 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 information asked by the appellant was already furnished to him as per the application dated 1/2/2011 under the R.T.I. Act. That no further information was available with the respondent. That the appellant preferred an appeal and accordingly notice was issued to the respondent No.1. That the respondent No.2 passed the order directing the respondent

No.1 to furnish the information required by the appellant within 10 days from the date of the order dated 29/4/2011 without charging fees. The respondent No.1 denies that the respondent did not comply with the order. 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. That the appellant is not entitled for any relief claimed and that the complaint be dismissed.

It is the case of the respondent No.2 that the appeal was filed, notice was issued and on hearing both sides the order was passed.

4. Heard the arguments. The appellant argued in person and the Ld. Advocate Shri Hyder Khilji argued on behalf of the respondent No.1.

According to the appellant, information is not furnished. During the course of his arguments Adv. H. Khilji submitted that whatever available information was furnished.

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 1/2/2011, the appellant sought certain information. The information consisted of four points ie.(a) to (d). By reply dated 3/3/2011 the P.I.O./Respondent No.1 replied informing that no action has been taken in case No.MOR/MCA/3/90 dated 22/10/1990. Being not satisfied the appellant preferred the appeal before the F.A.A. The respondent No.2/F.A.A. passed the following order :-

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.....
..... The appellant has sought information on four aspects a, b, c and d vide letter dated 1/2/2011. The respondent has not furnished the detailed reply, specific to all the four aspects of the R.T.I. application.

The respondent shall furnish information specific to all the four aspects in detail, as per the office record 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. This order has not been challenged and therefore the same stands. The respondent No.1 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 matrix 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 to the appellant the information sought by him vide application dated 1/2/2011 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 16th day of January, 2012.

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