

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.95/SCIC/2011

Shri C. S. Barreto,
R/o.H. No.206, Mazalvaddo,
Assagao-Goa

... Complainant

V/s.

Public Information Officer,
Goa Tourism Development Corporation Ltd.,
Trianora Apartments,
Dr. Alvares Costa Road,
Panaji – Goa

... Opponent

Complainant present.

Opponent present.

Adv. J. Ramayya for opponent present.

ORDER
(15/02/2012)

1. The Complainant, Shri C. S. Barreto, has filed the present complaint praying that P.I.O. be directed to pay a sum of Rs.250/- per day from 28/3/2011 till date he furnishes the required information as requested for by the Complainant.

2. The case of the complainant is fully set out in the complaint. In short, it is the case of the complainant that vide application dated 28/03/2011 he 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 on 2/5/2011 the opponent submitted a part of information. That in terms of item No.8 information is not available. That R.T.I. mandates all public authorities to maintain proper records of all files systematically so that whenever information is sought it can be provided promptly. It is the case of the complainant that the P.I.O. has given incomplete,

misleading or false information under the Act in terms of Sec.18 of the R.T.I. Act. Hence the present complaint.

3. The case of the opponent is fully set out in the reply which is on record. It is the case of the opponent that complaint filed by the complainant is a product of complete misconstruction of law and facts. That the complaint is barred by law and provisions of R.T.I. Act. That powers under Sec.18 are to be invoked sparingly and not in each and every case. That the complaint is not maintainable as the letter received by the opponent on 28/03/2011 is not within the ambit of R.T.I. Act and neither the queries are within the ambit of term information as laid down in Sec.2(f) and 2(j) of the R.T.I. Act. That the complainant has no locus standi to file this complaint as the letter received by the opponent on 28/3/2011 has been addressed to the opponent by one Adv.Harihar Gaitonde and not by the complainant or even on the instructions of the present complainant. That the allegations of the complainant are baseless as the queries posed by Adv. Harihar Gaitonde were duly answered. According to the opponent the complaint is liable to be dismissed.

4. Heard the Complainant and Adv. Shri Jatin Ramayya for the opponent and perused the records.

It is seen that that present complaint is filed on account of application dated 28/3/2011. I have carefully gone through the said application. There is no date on the same. However the same was received in the office of opponent on 28/03/2011. By letter dated 29/4/2011 the opponent P.I.O. informed Adv. Shri H. Gaitonde to collect the same on payment of Rs.2/- per copy. It is not known from record as to whether Adv. Shri H. Gaitonde collected the same but letter dated 2/5/2011 shows that information was sent/furnished. The present complaint is only for furnishing incomplete or false information.

During the course of his arguments the complainant states that information is furnished and that he has no grievance about the same.

5. The complainant states about application dated 5/9/2011. By letter dated 12/9/2011, the complainant was called to collect information by paying Rs.2/- per page. Receipt produced shows that payment was made on 20/9/2011. Again this information appears to have been furnished in time.

It is seen this Commission on 23/08/2011 observed as under:-

“Though complainant has not asked for inspection the same can be given to him. Adv. for opponent agrees to give inspection. The same be given on 8/9/2011.....”

The complainant's application dated 8/9/2011 mentions in para 3 that on 5/9/2011 the Complainant visited the office of the opponent and scrutinized the said file. In para 4 the complainant states that after the scrutiny the complainant submitted a list of copies of documents needed by him vide his letter dated 5/9/2011. Application regarding refund of amount is also on record i.e. application dated 16/1/2012.

I have perused some of the rulings of C.I.C. on the point. It has been held that appellant cannot seek further information in his subsequent letter other than the one which he has sought in his first application and that there is no obligation on the part of P.I.O. to provide this information to the appellant (Lalit Khanna V/s. Department of Information Technology Appln. No.319/ICPB/2006 F. No.PBA/06/369 dated 8/2/2007).

Besides information is furnished in time.

6. The complainant has objected for the appointment of the advocate. During the course of arguments it was submitted that

the advocate appointed was in private capacity. It is to be noted here that there is no specific bar under R.T.I. Act regarding appearance of advocates. I have perused some of the rulings of C.I.C. Advocates have been allowed. In any case it is for the Appointing Authority to appoint or not . In an earlier case also this Commission has observed in the same way.

7. In view of all the above since information is furnished no intervention of this Commission is required. Hence I pass the following order:-

ORDER

No intervention of this Commission is required as information is furnished. The complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 15th day of February, 2012.

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