

**GOA STATE INFORMATION COMMISSION**

**AT PANAJI**

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

**Appeal 149-SIC-2011**

Franky Monteiro,  
H.No. 501, Devote,  
Loutolim, Salcete-Goa.

....Complainant

V/s.

1) Public Information Officer,  
Chief General Manager,  
GIDC, Patto, Panaji-Goa.

2) First Appellate Authority,  
The Managing Director,  
GIDC, Patto, Panaji-Goa.

.... Respondents

Appellant present

Respondent No.1 present

Shri Mandar Shirodkar representative  
of respondent no.2 present

**JUDGEMENT**  
**(18-01-2012)**

1. The Appellant, Shri Franky Monteiro, has filed the present appeal praying that the present appeal be allowed and the part order of Respondent no.2 be set aside, that the Respondent No.1 and 2 be directed to provide the information to the Appellant free of cost as per section 7(6) of the R.T.I. Act that appropriate disciplinary action be taken against the Respondent no. 1 and 2 for violating the provisions of the R.T.I. Act and thereby causing undue harassment and delay to the appellant by denial of the sought information till date and that necessary monetary penalty be imposed upon the Respondent No.1 and 2 as per R.T.I. Act.

2 The brief facts leading to the present appeal are as under;-

That the appellant, vide application dated 25/03/2011, 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 as the Appellant did not receive any reply from the respondent No.1 for nearly two months and hence the appellant filed an appeal before the Respondent No.2 on 24/05/2011. That by order dated 22/06/2011, the Respondent No.2 directed Respondent No.1 to provide information pertaining to part of the appeal within two weeks from the receipt of the order but denied part of the prayers in the appeal. That the order further directs the respondent no.1 to furnish the information after working out the charges for the said information. Being aggrieved by the said order the appellant has filed the present appeal for reasons mentioned in the memo of appeal.

3. The Respondent resists the appeal and the reply of the Respondent No.1 is on record. In short it is the case of Respondent No.1 that the application dated 25/03/2011 was received by the then P.I.O. on 30/03/2011, requested for certain information under R.T.I. Act. That the then P.I.O. under his note No.Goa-IDC/R.T.I.-A/F-179/10-11 dated 30/03/2011 referred the said application to the Dy. G.M. (A)/A.P.I.O. which was received by him on 31/03/2011 at 12.00 noon. That under the said note the Dy. GM(A)/APIO was informed that he is required to furnish the requested information to the PIO's section within 3 days from the date of the said note. That the then P.I.O. again under note No..Goa-IDC/RITAF-179/10-11 dated 20/04/2011 received by Dy. G.M. (A)/APIO on 20/04/2011 at 30.00 p.m. reminded by GM(A)/APIO that the last date to furnish the information to the applicant is 29/04/2011. That the appellant vide letter dated 24/05/2011 filed First Appeal before the First Appellate Authority. By order dated 22/06/2011 the F.A.A. directed the then APIO/Dy. GM, now under suspension, to submit information within two weeks and directed the then P.I.O. to furnish the information immediately after working out charges for the said information. That the then P.I.O., vide his note no Goa -IDC/RTIA/F-117/10-11 dated 04/07/2011 directed the APIO/OM to submit the information within 2 weeks for providing the same to the appellant. That the APIO/OM vide note dated 14/07/2011 submitted the information to the then P.I.O. That the then P.I.O. vide letter No. Goa-IDC/RTIA /F-117/10-11/1422 dated 19/07/2011 requested the appellant to pay an amount of Rs. 882/- and collect the same on any working day. That the Appellant has not collected the information so far It is further the case of the Respondent No.1 that the Dy. G.M. (A)/A.P.I.O. and P.I.O. Shri Umesh Verenkar are the necessary parties to the present appeal.

According to the Respondent No.1 appeal is liable to be dismissed.

4. Heard the Appellant as well as Respondents.

According to the Appellant no information is furnished so far. He referred in detail about the facts of the case. He also submitted that information ought to have been given free of charge.

According to Respondent No.1 Appellant was informed to collect the information but he did not collect the same.

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 25/03/2011 the Appellant sought certain information. Since the same was not furnished within the statutory period the appellant preferred the Appeal before the First Appellate authority. The F.A.A /Respondent No.2 passed the order dated 22/06/2011 and observed as under.

“ In view of the above. I am of the Opinion that the Estate Division/ Dy. General Manager (Adm.) is required to furnish the information in accordance with law to the Appellant. The Estate Division /Dy General Manager(Adm) is directed to furnish the information as called for by the Respondent vide his note dated 30/03/2011 within two weeks from the receipt of this order. Thereafter the respondent to furnish the said information to the appellant immediately after working out the charges for the said information”.

By letter dated 19/07/2011, the P.I.O. informed the Appellant that information is kept ready and he was requested to collect the same by paying an amount of Rs. 882/-. According to the Respondent No.1 appellant did not collect the same.

The grievance of the Appellant is that the information ought to have been given free of cost.

6. There is merit in the contention of the Appellant. As per section 7(6) “notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public Authority fails to comply with the time limits specified in sub-section (1)”.

It appears this is a mandatory provision and therefore P.I.O. has to provide information free of charge to the appellant as per section 7(6).

7. No doubt there is delay in furnishing the information initially. I have perused the reply as well as the notes put up which are on records. Besides considering the charges sought it appears that information sought some what voluminous. In any case the ends of justice would be met if information is provided free of costs/charges.

8. In view of all the above, I pass the following orders.

**ORDER**

The Appeal is allowed. The Respondent No.1/P.I.O. is hereby directed to furnish the information to the Appellant as sought by him vide his application dated 25/03/2011 free of costs in terms of section 7(6) of the R.T.I. Act, within 15 days from the receipt of the order.

The Appeal is disposed off accordingly.

Pronounced in the Commission on this 18<sup>th</sup> day of January, 2012.

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