

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.619/SCIC/2010**

Shri Neelesh D. Patekar  
R/o.370, Oshalbag, Dhargal,  
Pernem, Goa

... Complainant

V/s.

Public Information Officer,  
Secretary,  
Village Panchayat Dhargal,  
Pernem-Goa

... Opponent

Complainant absent.  
Opponent absent

**ORDER**  
(27/02/2012)

1. The Complainant, Shri Neelesh D. Patekar, has filed the present complaint praying that the opponent be asked to furnish appropriate information; that the opponent be made liable to pay fine and appropriate disciplinary action may be recommended against the opponent.

2. The case of the complainant is set out in the complaint which is as under:-

That on 22/11/2010 the applicant made an application to the opponent seeking certain information under Right to Information Act, 2005 ('R.T.I.' Act for short). That till date no information received against the said application and hence the present complaint.

3. The case of the opponent is fully set out in the reply. In short, it is the case of the opponent that this forum has no jurisdiction to entertain the complaint. That if at all complainant is aggrieved he should approach the appropriate First Appellate Forum and hence complaint to be dismissed on this count. That there is no fault or negligence on the part of the opponent while notifying documents/information is ready as applied by the complainant. That the opponent has not faulted anywhere while discharging official duty and has not violated any provisions of R.T.I. Act and that the opponent has already within time issued letter to the applicant to come and collect necessary documents as sought by the complainant. But complainant has neither collected nor approached the Panchayat office to collect the same. Instead the complainant has dragged the opponent before this forum by filing present appeal which needs to be rejected. That the application was received on 22/11/2010 and immediately on 9/12/2010 has issued intimation by post bearing outward No.VPD/PER/RTI/2010-11/1070 to the complainant to collect the documents from the Panchayat office. However, the complainant did not turn up and in the process said fact has been suppressed. According to the opponent, complaint is to be dismissed.

It is seen that initially complainant remained present. However, after the reply was filed and matter was posted for arguments, the complainant remained absent. Notice was issued to the parties to remain present. However, both the parties remained absent.

4, Heard the arguments of opponent/PIO. The complainant remained absent. However, I am proceeding on the basis of records.

It is seen that vide application dated 22/11/2010 the complainant sought certain information. It is the case of the complainant that no information was furnished and hence he filed the present complaint. As against this, it is the case of the opponent that vide letter dated 9/12/2010, he requested the complainant to collect the certified copies of resolution and other relevant papers asked by him after payment of necessary fees. Copy of the letter is on record. However, the complainant did not appear. Copy of the reply of the opponent was furnished to the complainant on 28/10/2011 before the Commission. However the complainant did not dispute this fact nor challenged the same. Therefore it is to be accepted that letter was sent. Since the letter was furnished to collect information shows that information is ready. Therefore opponent can furnish the information, if necessary payment is made.

5. The opponent contends that the complaint is not maintainable. Since the letter dated 9/12/2010 was sent. It appears that complainant did not collect the information. In view of this, complaint as such is not maintainable. Even otherwise complainant should have approached the F.A.A. before preferring the present complaint. In any case complainant to take note of the same in future. Since the information is ready this does not matter much.

Regarding penalty considering date of application and letter of the opponent, the same is in time. Therefore the question of penalty does not arise.

6. Since information is kept ready, the same should be furnished to the complainant to make the payment as per the intimation of the P.I.O. and thereafter the opponent to furnish

the information to the complainant. Hence I pass the following order.:-

**ORDER**

The complaint is allowed. The opponent is hereby directed to furnish the information to the complainant as sought by him vide his application dated 22/11/2010 within 20 days from the date of receipt of the order.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 27<sup>th</sup> day of February, 2012.

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