

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 136/SCIC/2011

Shri Vincent Dias,
H. No. 503,
Murida, Fatorda,
Margao – Goa

.... Complainant

V/s.

Public Information Officer,
Margao Municipal Council,
Margao – Goa

.... Opponent.

Complainant in person.

Shri Ashank M. Naik Gaonkar, J.E., representative of Opponent.

Adv. Shri S. G. Naik for Opponent.

J U D G M E N T
(03.04.2012)

1. The Complainant, Shri Vincent Dias, has filed the present Appeal praying for compensation for deficient, contradictory and improper reply and for cost.

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

That the Complainant vide an application dated 20.05.2011 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 no information was furnished within the statutory period and hence the Complainant filed an Appeal before the First Appellate Authority. By order dated 22.07.2011 the First Appellate Authority ordered to furnish information within a period of ten days without charging fees. It is the case of the Complainant that information furnished is contradictory and to confuse and harass the Complainant and hence the present Appeal.

3. In pursuance of the notice issued Shri Ashank Naik, Junior Engineer, representative of Opponent was present. Later on Adv. Shri S. G. Naik appeared for the Opponent. The Opponent did not file any reply as such, however, Adv. Shri Naik advanced arguments.

4. Heard the arguments. The Complainant also filed written arguments which are on record.

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 20.05.2011 the Complainant sought certain information. It appears that the information was not furnished in time. Hence on 28.06.2011 the Complainant preferred Appeal before First Appellate Authority. By order dated 22.07.2011 the First Appellate Authority/Director of Municipal Administration passed the following order:-

“The Respondent agreed to furnish the information on 4 issues sought by the Complainant as per the office record within a period of 10 days from the date of issue of order i.e. 22.07.2011 without charging fees.”

It is seen that information is furnished by letter dated 20.07.2011. The information consists of 4 points (a) to (d). The Opponent has furnished information in respect of point (a), (c) and (d). In respect of point (b) it is stated that the word “What” is not coming under RTI. To my mind what the Complainant is seeking is the progress of his case in the office complaint. Therefore, there should not be any difficulty in furnishing the information.

The Complainant next contended that there is delay in furnishing information. According to the Advocate for the Opponent there is no delay as such. It is seen that application seeking information dated 20.05.2011. The reply is dated 20.07.2011. Apparently there is delay. However, PIO is to be given an opportunity to explain about the same in the factual backdrop of this case.

6. In view of all the above, PIO to inform about the progress as to his complaint. The PIO/Opponent is to be heard regarding delay. Hence, I pass the following Order:-

ORDER

The Complaint is partly allowed. The Opponent/PIO is hereby directed to furnish information in respect point (b) of the application of the Complainant dated 20.05.2011, i.e. about the progress of the complaint within 20 days from the date of receipt of this Order.

Issue notice under Section 20(1) of the RTI Act to the Opponent/PIO to show cause why penal action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 04.06.2012. The Opponent/P.I.O. shall appear for the hearing.

Further inquiry is posted on 04.06.2012 at 10:30 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 03rd day of April, 2012.

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

