

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.32/2010
In
Appl No.179/SCIC/2010**

Shri Bassiano Liberato da Conceicao Mascarenhas,
R/o.H.No.233,
Sarzora, Salcete - Goa ... Appellant.

V/s.

1. The Public Information Officer,
O/o,Village Panchayat of Sarzora,
Salcete, Goa
2. The First Appellated Authority,
Block Development Officer,
Salcete - Goa ... respondent

Complainant absent. Her advocate Shri A. Dessai present.
opponent absent

ORDER
(02/04/2012)

1. By Judgment and Order dated 27/10/2010, this Commission issued notice U/s.20(1) of the Right to Information Act to the respondent No.1/Public Information Officer to show cause why penalty action should not be taken against him/her for causing delay in furnishing the information.

2. In pursuance of the notice, the P.I.O./respondent No.1 has filed the reply which is on record. In short, it is the case of the respondent/P.I.O. that upon receiving the application dated 26/2/2010 filed by the appellant under R.T.I., respondent No.1 immediately sought opinion of the Block Development Officer(BDO) whether the certified copy of the said documents which belonged to the third party could be issued or not to the appellant as sought for by him. However, due to the request made by the appellant for

a xerox copy of the said document, xerox copy of the said document was immediately issued to the appellant and upon issuing the same, the appellant made the respondent to understand that he did not require certified copy as sought by him. That the respondent was under impression that the appellant would not require said copy and that he would not come back for the certified copy. That to the surprise of the respondent, the appellant came after many days and demanded certified copy as sought for by him. That the respondent was of bonafide belief that the appellant would not come back for certified copy and as such did not comply with the instructions given by the BDO. That thereafter respondent followed the instructions and by letter dated 26/3/2009 informed the document holder to which the said power holder answer in negative and by letter dated 5/4/2010 the respondent was informed accordingly. That by order of F.A.A., certified copy of the said document was given to the appellant. According to the respondent there is no deliberate or voluntary delay in furnishing certified copy. According to the respondent under the circumstances, she is not liable for any penalty and that the show cause notice be withdrawn.

3. Heard the arguments and perused the records. It is seen from the reply of the respondent that xerox copy was furnished well within time. However, certified copy was not furnished and later on by order of First Appellate Authority (FAA) the certified copy was furnished. According to the respondent there is no deliberate or intentional delay but only delay occurred due to appellant. The respondent/P.I.O. has also given the undertaking to that effect which is on record expressing apology. That delay was not intentional nor malafide. The appellant agrees to the same and in view of the same he also does not press for penalty.

4. As per the reply of the respondent it appears that the xerox copy was given earlier. Due to bonafide belief, the P.I.O. did not put anything in writing. In any case, it appears that delay is not

deliberate and the cause shown is well within the meaning of “reasonable cause” as contemplated by the Act.

5. In view of the above and in view of the satisfaction of the appellant, I feel that the delay if any is to be condoned. Hence I pass the following order.

ORDER

The show cause notice issued is withdrawn and penalty proceedings are dropped.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 2nd day of April, 2012.

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

