

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 81/SIC/2011

Mr. Mario Vincent D'Mello,
H. No. 316, Borvon Vaddo,
Nachinola,
Bardez – Goa Complainant.

V/s.

Public Information Officer,
Secretary,
Village Panchayat Nachinola,
Bardeze – Goa Opponent.

**Complainant alongwith Adv. Y. Naik.
Opponent alongwith Adv. V. Rodrigues.**

ORDER
(13.06.2012)

1. The Complainant, Shri Mario Vincent D'Mello, has filed the present Complaint praying that the Opponent be directed to furnish the information sought by the Complainant vide his request dated 20.12.2010 as ordered by the Ld BDO free of charge; that maximum penalty be imposed on the Respondent for disobeying and disregarding the Order of the BDO much less for refusing to furnish the information; that inquiry be instituted against the Opponent for his contemptuous conduct of disobeying statutory authorities and further reliefs as mentioned in the Complaint.

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

That the Complainant vide an application dated 20.12.2010 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 vide letter dated 05.01.2011 the Opponent intimated the Complainant to collect the information. That upon the Complainant visiting the office of the Opponent, Complainant furnished a letter dated 05.01.2011 stating therein that said specific information sought is not information within the meaning of Section 2(f) of RTI Act and that the information was denied to the Complainant. That being aggrieved the Complainant filed First Appeal before the BDO, that by order dated 11.03.2011 the BDO allowed the Appeal and ordered the Opponent to hand over the information to the Complainant within two weeks free of cost. That the Opponent on some

pretext or the other deliberately began to avoid the Complainant and even refused to meet the Complainant. That by letter dated 23.03.2011 the Opponent informed the Complainant that information sought at Sr. No. 2, 4 and 5 is not available in the records while giving incomplete information to the Complainant with respect to the other heads. Since the Opponent failed to provide complete information to the Complainant, the Complainant filed the present Complaint on the grounds as set out in the Complaint.

3. The Affidavit of the Opponent/P.I.O. is on record. Opponent admits that letter dated 20.12.2010 was received. That by letter dated 13.01.2011 i.e. within a period of thirty days two communications were sent asking the Complainant to collect the information and second one informing him that under the provisions of RTI Act it is not possible to ask question and seek reasons and explanations for purported inaction and it was pointed out that the same does not come within the meaning of information under RTI Act. That the correct remedy for the Complainant is to file second appeal and not a complaint. That in pursuance of order of First Appellate Authority within a period of two weeks i.e. on 19.03.2011 the Complainant was requested to collect the information. That vide communication dated 23.03.2011 the information was collected by the Complainant on 24.03.2011. That the Complainant was given a reply alongwith available information thereby complying with the Order of F.A.A. The Opponent denies the allegations made in the Complaint. In short, according to the Opponent all information has been provided to the Complainant alongwith documents available. That there is no cause of action for the present Complaint and that same is liable to be dismissed.

4. Heard the learned Adv. Shri Y. Naik for the Complainant and the learned Adv. Shri V. Rodrigues for the Opponent.

During the course of the arguments Advocate for the Complainant submitted that information is furnished. Advocate for the Opponent also submits that inspection was given and that the Complainant himself ascertained about the same.

The Complainant on his part also stated that he has received the information and that he has no grievance of any sort.

5. In view of the above since the 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 13th day of June, 2012.

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

