

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.10/SIC/2012

Max De Souza
R/o.H.No.120, Velsao,
P.O. Cansaulim, Goa

... Appellant

V/s.

The Public Information Officer,
Town & Country Planning Department,
Mormugao Taluka,
Vasco-da-Gama, Goa

... Respondents

Appellant present.
Respondent No.1 present.

J U D G M E N T
(07/06/2012)

1. The Appellant, Shri Max D'Souza, has filed the present appeal praying that the respondent be directed to provide the information immediately and that penalty be imposed on the respondent U/s.20 for not providing the information within time limit.

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

That the appellant, had requested the information officer of Town & Country Planning, Mormugao Taluka for information, vide application dated 9/9/2011 under the provision of Right to Information Act, 2005 ('R.T.I.' Act for short). That reply dated 4/10/2011 did not provide the information requested the appellant preferred the first appeal before the First Appellate Authority. The First Appellate Authority(F.A.A.) vide order dated 17/11/2011 directed the respondent to furnish the requested information and in case the information is not available in file state the same in

reply. That as the requested information is not received by the appellant and being aggrieved, the appellant has preferred the present appeal praying the above mentioned relief.

3. The respondent resists the appeal and the reply of the respondent is on record. In short it is the case of respondent that the respondent (M.K.C. Srikanth) has been directed to hold additional charge of Town & Country Planning Department, Mormugao Taluka office. That the appellant vide his application dated 9/9/2011 has requested information under Right to Information Act, 2005. The then P.I.O. A. P. Diniz by letter dated 4/10/2011 has informed that the P.I.O. is not supposed to answer any queries raised by the appellant and requested to collect all the xerox copies of documents available in the concerned file. That aggrieved by the reply of the then P.I.O. dated 4/10/2011, the appellant has filed appeal before F.A.A. That the said appeal was heard on 3/11/2011 and order was passed. That once again then P.I.O. Shri S. P. Surlakar by letter dated 24/1/2012 has requested applicant/appellant to visit office for identification of the exact Information. That the appellant by his letter dated 4/2/2012 has stated that he has asked for information in the file and in case the said information is not available the same can be stated in reply. That the information was put on record on 18/4/2012 and that the respondent (Shri Srikanth) has given information sought by the letter dated 19/4/2012. According to the respondent under such circumstances no penalty should be imposed.

4. Heard the appellant and the respondent and perused the records.

It is seen, vide application dated 9/9/2011 the appellant sought certain information. The information consisted of 3 points i.e. point at Sr. No.1 to 3. By reply dated 4/10/2010 Shri A.P. Diniz, Town Planner, informed the appellant that P.I.O. is not supposed to answer any queries raised by the applicant under R.T.I. Act and the recent judgement passed by the Hon'ble High

Court. By the said letter appellant was requested to collect all the xerox copies of documents available in the said file after making payment towards Xeroxing. This reply was in time i.e. within 30 days.

Being not satisfied the appellant preferred the appeal before the First Appellate Authority. By order dated 17/11/2011 the F.A.A observed as under :-

“.....

In the instant case, it is noted that information sought are not seeking justification/reasons and cannot be exempted from the definition of information. The information sought were direct questions and in my opinion, the P.I.O. should have furnished the information by referring the concerned file. However, if a particular information is not available in the file, The P.I.O. could very well state in his reply.

The P.I.O. should have also furnished the approximate cost involved in photocopying the documents. As he has not informed the same and the information was not furnished within 30 days, P.I.O. should furnish the information including copies of documents free of cost as provided in the Act.

P.I.O. to furnish the information and compliances to be reported.”

According to the appellant the information is furnished after a long delay in pursuance of this order. It is seen from the record that ultimately information is furnished by letter dated 19/4/2012. The appellant submits that he has received the information.

5. The only grievance of the appellant is that the information is furnished after a long delay. According to the respondent there is no delay as such.

It is now to be seen whether there is delay in furnishing the information. Good or bad the initial reply is in time. However there appears to be some delay after the order of First Appellate Authority. Order of F.A.A. is dated 17/11/2011 and information is furnished on 19/4/2012. In any case to my mind P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

6. Since information is furnished no intervention of this Commission is required. Respondent/P.I.O. is to be heard on the aspect of delay. Hence I pass the following order :-

ORDER

The appeal is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice U/s.20(1) of R.T.I. Act to the respondent/P.I.O. to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanation if any should reach the Commission on or before **18/07/2012**. The respondent/P.I.O. shall appear for hearing.

Further inquiry posted on **18/07/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 7th day of June, 2012.

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