

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.68/SCIC/2012

Shri Sadashiv Naik Gaonkar,
R/o.Dessai Wada, Agonda,
Canacona – Goa

... Complainant

V/s.

The Public Information Officer,
Executive Engineer,
WD XXV(Roads),
P.W.D. Fatorda,
Margao - Goa

... Opponent

Complainant present.

Opponent present.

ORDER
(22/06/2012)

1. The Complainant, Shri Sadashiv Naik Gaonker, has filed the present complaint praying that the opponent/P.I.O. be directed to pay compensation and to take action under the law on account of delay.

2. The gist of the Complainant's case is as under:-

That the complainant, vide his application dated 22/12/2011, 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 the opponent did not furnish the information within the prescribed time limit and hence the complainant preferred an appeal before the First Appellate Authority. That the F.A.A. passed the order directing the P.I.O. to furnish the information, however, the P.I.O. did not furnish all the information as sought by the Complainant. That there is delay of about 40 days in furnishing the information to the complainant and that too with incomplete information. Being aggrieved the complainant has filed the present complaint.

3. In pursuance of the notice Shri Luis C. Dias appeared. He did not file any reply as such. However later on opponent advanced arguments.

4. Heard the Complainant and the opponent.

The Complainant submitted that the information is furnished. However according to him there is delay in furnishing the information. Opponent on his part also submits that the information is furnished.

5. I have carefully gone through the records of the case and also considered 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, complainant vide application dated 22/12/2011 sought certain information consisting of 4 points/items from Sr.No.1 to 4. That no information was furnished. Hence on 21/2/2012 the complainant preferred an appeal before First Appellate Authority. By order dated 14/3/2012 the F.A.A. observed as under :-

“ After hearing the submissions of both the parties and taking into consideration the documents on record the undersigned is of the opinion that the respondent S.P.I.O. Executive Engineer, Works Div.XXV, P.W.D. has not shown any malafide intention in hiding or refusing to furnish the information sought by the appellant. The respondent S.P.I.O. has also furnished the relevant information as sought by the appellant vide his application dated 22/12/2011 and the appellant has also agreed that complete information as sought by him vide his application dated 22/12/2011 has been furnished to him.

The appeal thus stands disposed off.”

The only grievance of the complainant is that there is delay in furnishing the information.

6. Now it is to be seen whether there is any delay in furnishing the information. The application seeking information is dated 22/12/2011. The information was furnished during the hearing of the First Appeal i.e. before F.A.A. In any case, to my mind, the Opponent/ P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of the above, since the information is furnished no intervention of this Commission is required. The opponent is to be heard on the aspect of delay. Hence I pass the following order.:-

ORDER

Complaint is allowed. No intervention of this Commission is required since information is furnished.

Issue notice under sec.20(1) of the Right to Information Act, 2005 to the Public Information Officer/Opponent to show cause as to 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 **23/07/2012**. The opponent/P.I.O. shall appear for hearing.

Further inquiry posted on **23/7/2012 at 10.30 a.m.**

The complaint is accordingly disposed off.

Pronounced in the Commission on this 22nd day of June, 2012.

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