

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.135/SIC/2011**

Shri Budhaji Dattaram Bhagat,  
R/o.Naikwada,  
Torsem, Pernem – Goa ... Complainant

V/s.

The Public Information Officer,  
Department of Mines,  
Udyog Bhavan,  
Near Police Headquarters  
Panaji - Goa ... Opponent

Complainant absent.  
Adv. M. Joshi for complainant present  
Opponent absent.  
Shri Sirsat A.P.I.O. present.

**ORDER**  
(14/06/2012)

1. The Complainant, Shri Budhaji Dattaram Bhagat, has filed the present complaint praying that the opponent be directed to furnish the information to the complainant as sought by him vide his application dated 4/7/2011 free of charge; that the penalty be imposed on the opponent as the opponent willfully has not furnished the information within time and that disciplinary action be initiated against the opponent.

2. The facts leading to the present complaint, in a nutshell, are as under:-

That the complainant, vide his application dated 4/7/2011, 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 said application was sent by

registered A.D. and the same was received on 5/7/2011. That the opponent failed to furnish the information within the prescribed period. Being aggrieved the complainant has filed the present complaint on various grounds as set out in the complaint.

3. The case of the opponent is fully set out in the reply which is on record. In short it is the case of the opponent that the complainant sought certain information. That the opponent has replied to the complainant vide letter dated 22/8/2011. That the complainant has directly approached the Goa State Information Commission without approaching the First Appellate Authority by which the opponent would have the opportunity to avail the say of the complainant and do the needful accordingly. That the information sought by the complainant is in regard to sand extraction along river Terekhol. That in view of the CRZ notification 2011, the Directorate of Mines and Geology is not in a position to grant any permission for said extraction along any rivers in Goa. That the Directorate of Mines & Geology has not granted any permission for the extraction of sand along the river since April, 2011 in view of the notification, 2011. That the opponent has already been communicated the information vide letters dated 22/8/2011 and 14/11/2011.

The opponent has filed another reply on 14/6/2012. According to the opponent no specific reply was furnished as the Directorate was not in a position to issue any permission for sand extraction in view of CRZ Notification 2011 and the same was communicated to the complainant. Opponent also states that the specific information has been furnished by letter dated 27/4/2012. That there was no intention to hide or not to furnish the desired information, however, in view of the said CRZ notification a reply of general nature relating to sand extraction was furnished.

4. Heard the arguments. The learned Adv. Shri M. V. Joshi argued on behalf of the Complainant and the opponent argued in person.

According to the Adv. for complainant information is furnished, however, there is delay in furnishing the information.

During the course of his argument, the opponent explained the circumstances under which the said reply was given. He also submitted that there was no malafide intention but such a reply was given on account of CRZ notification.

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 information is furnished and whether the same was furnished in time?

It is seen that complainant vide application dated 4/7/2011 sought certain information consisting of 7 points i.e. 1 to 7. By reply dated 22/8/2011 it was informed stating that the Directorate had issued number of permission for the extraction of ordinary sand along the river Terekhol for a period of one year ending on 31/3/2011 and that the said permissions have not been renewed from 1/4/2011 onwards in view of the CRZ Notification dated 6/1/2011.

The grievance of the complainant is that specific information was asked but the same was not furnished.

During the course of the arguments Adv. for the complainant submits that information is furnished.

6. Now it is to be seen whether there is any delay in furnishing the information. It is seen that application seeking information is dated 4/7/2011. The reply is dated 22/8/2011. Apparently there is delay in furnishing the information. Again full information was furnished by letter dated 27/4/2012. In any case, to my mind, the P.I.O./Opponent should be given an opportunity to explain about the same in the factual backdrop of this case.

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

**ORDER**

Complaint is partly 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 **17/07/2012**. The Public Information Officer/opponent shall appear for hearing.

Further inquiry posted on **17/7/2012 at 10.30 a.m.**

The complaint is accordingly disposed off.

Pronounced in the Commission on this 14<sup>th</sup> day of June, 2012.

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