

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.107/SCIC/2011

Shri Bruno John De Souza,
437, Marra, Pilerne,
Bardez - 403114

... Appellant

V/s.

1. The Public Information Officer,
Administrator of Comunidade,
Mapusa, North Goa,
Bardez – Goa

... Respondent

Appellant absent

Respondent absent.

Adv. K.H. Bhosle for Respondent present.

J U D G M E N T
(29/06/2012)

1. The Appellant, Shri Bruno John D'Souza, has filed the present appeal praying that the information be furnished in the same format as stated in the R.T.I. application and that penalty be imposed on the respondent as per the provisions of the R.T.I. Act, 2005 for refusing to give the required information.

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

That the appellant, vide application dated 31/12/2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent No.1. That no reply was furnished. Being not satisfied the appellant preferred an appeal before the First Appellate Authority. That the First Appellate Authority passed the order. However till date no information is furnished. Being aggrieved the appellant has filed the present appeal.

3. In pursuance of the notice the respondent did not appear. However Adv. Shri K. H. Bhosale appeared on behalf of respondent/P.I.O. He did not file any reply as such. However he advanced arguments.

4. Heard Adv. Shri Bhosale and perused the records.

It is seen that by application dated 31/12/2010 the appellant sought certain information consisting of 4 points/items A, B, C and D. No reply was filed and hence the appellant preferred the first appeal before the First Appellate Authority. By order dated 6/4/2011 the F.A.A observed as under :-

“5. The bare perusal of the appellant’s application dated 31/12/2010 under R.T.I. Act 2005 indicates that the information sought by the appellant is specific in nature and therefore, the respondent ought to have positively responded to the same informing the appellant whether the information has been sought by him, is available with the respondent’s office or not, and that since it pertains to the Comunidade of Pilerne, the respondent, could have very well obtained the same from the Comunidade of Pilerne and furnished the same to the appellant. However, the respondent failed and neglected to send even a letter of reply to the appellant informing the appellant about the factual position in respect of the information sought within the statutory period of 30 days. This shows that the respondent failed to discharge his statutory duty under the Right to Information Act 2005.

6. In view of the above, the respondent is hereby directed to dispose of the appellants application under Right to Information Act, 2005, dated 31/12/2010 within 15 days from the receipt of this order, and as far as practicable, if the requisite information or the related information is available with the respondent’s office or in the Office of the Comunidade of

Pilerne, then same shall be furnished to the appellant within 15 days, free of cost.”

5. It is seen that respondent did not even reply within 30 days that is the statutory period to furnish information. Again no steps were taken to comply the order of the First Appellate Authority. The order of the First Appellate Authority is not challenged by the respondent. Therefore the same stands and the respondent is bound to comply with the same.

6. Regarding aspect of delay. It is seen that no reply is furnished within 30 days. Again First Appellate Authority directed to furnish the information within 15 days. There is nothing on record in respect of this. Apparently there is delay, however, to my mind the P.I.O./respondent should be given an opportunity to explain about the same in the factual matrix of this case.

7. In view of all the above, I am of the opinion that the respondent will have to comply the order of the F.A.A. The P.I.O./Respondent is to be heard on the aspect of delay. Hence, I pass the following order :-

ORDER

The appeal is allowed. The respondent/P.I.O. is directed to comply the order dated 6/4/2011 passed by Addl. Collector & First Appellate Authority in Appeal No.RTI/AC-II/63/10/APL/1 and/or to furnish the information as sought by the appellant vide his application dated 31/12/2010 within 30 days from the date of receipt of this order.

Issue notice under sec.20(1) of the R.T.I. Act, 2005 to the respondent/Public Information Officer 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 **14/08/2012** The respondent/Public Information Officer shall appear for hearing.

Further inquiry posted on **14/08/2012 at 10.30 a.m.**

The appeal is, accordingly, disposed off.

Pronounced in the Commission on this 29th day of June, 2012.

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