

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.66 /2011
In
Appeal No. 72/SCIC/2011**

Shri Blaise Costabir,
7, Brindavan, Chandra Vaddo,
Fatorda,
Margao - Goa

... Appellant.

V/s.

Public Information Officer,
Goa Industrial Development Corporation,
Panaji - Goa

...Respondent.

Appellant absent.
Respondent alongwith Adv. S. S. Amonkar.

ORDER
(03.07.2012)

1. By Judgment and Order dated 27.09.2011 this Commission issued notice under section 20(1) of the Right to Information Act, 2005 ('R.T.I. Act' for short) to the Public Information Officer('P.I.O.)/Respondent to show cause why penalty action should not be taken against him for causing delay in furnishing the information.

2. In pursuance of the said notice PIO/Respondent Shri S. A. Belwadi, has filed the reply which is on record. In short it is the case of Respondent that he is appointed as new PIO of the Corporation on 26.08.2011. That prior to him Shri Umesh V. Verenkar during whose tenure the application seeking information was filed by the Appellant/Complainant, was the PIO of the Corporation. That this Hon'ble Commission had issued notice to the then PIO to show cause as to why penal action should not be taken against him for causing delay in furnishing the information to the Appellant. That the present PIO has not caused any delay. Since he has forwarded the application seeking information filed by the Appellant immediately on the next date to the Dy. General Manager, Administration – Shri William Borges, who was supposed give information to him. That the then PIO Shri Umesh V. Verenkar has sought voluntary retirement from the Corporation

and he is not attending duty since 26.08.2011 and Shri William Borges is presently under suspension and the inquiry against him is pending. That the present PIO is not aware of the facts that have taken place during that tenure as he has joined subsequently.

3. The Appellant was absent. Heard the PIO, Shri S. A. Belwadi as well as Adv. Shri S. S. Amonkar.

During the course of arguments it was submitted that earlier PIO has expired. Since earlier PIO has expired there is no point in proceeding with the matter. Under RTI the liability on account of delay is on the PIO i.e. the person who acted as PIO at the relevant time. Since the PIO is not more it would not be proper to proceed against him and the penalty proceedings are to be dropped.

4. In view of all the above I pass the following Order:-

ORDER

The show cause notice issued is discharged and the penalty proceedings are dropped.

The penalty proceedings are accordingly dropped.

Pronounced in the Commission on this 03rd day of July, 2012.

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

