

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.52/SIC/2011

Shri Gajanan D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim P.O. – 403 521

... Appellant

V/s.

1. The Public Information Officer,
Administrator of Comunidades,
North Zone,
Mapusa-Goa
2. The First Appellate Authority,
Additional Collector II (North)
Panaji - Goa

... Respondent

Appellant present.

Respondent No.1 and 2 absent.

Adv. K. H. Bhosale for respondent No.1 present.

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

1. The Appellant, Shri Gajanan D. Phadte, has filed the present appeal praying that the P.I.O. be directed to furnish the information sought; that penalty be imposed on the P.I.O. for denying the information; that disciplinary action be initiated against the respondent and that compensation be granted.

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

That the appellant, vide his application dated 16/11/2010, 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 the P.I.O. did not provide information within the prescribed time limit. That after prescribed time limit was over A.P.I.O. gave incomplete inconsistent reply and

hence the appellant preferred the appeal before the First Appellate Authority(F.A.A)/respondent No.2. That the F.A.A/ respondent No.2 failed to pass speaking order within prescribed time limit as per Sec.19(6) of the R.T.I. Act. Being aggrieved the appellant has preferred the present appeal.

3. The respondent No.1 resists the appeal and the written submission of respondent No.1 is on record. That the application seeking information dated 16/11/2010 was received on 22/11/2010. That the information sought in the application dated 16/11/2010 pertained to the landed property of the Comunidade de Serula and the record was held by them. That the Office of Comunidade of Serula was sealed and the information could not be furnished as it was not available in the office of the respondent No.1. That it is evidential that the P.I.O. has not intentionally denied the required information and as such not liable for any penalty as demanded by the appellant/applicant under para 3(A), (B) and (C). According to the respondent No.1, the appeal is liable to be dismissed.

4. Heard the arguments of the appellant as well Adv. K. H. Bhosle for the respondent No.1 Written submissions of the parties are on record.

5. I have carefully gone through the records of the case and also considered the 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 by application dated 16/11/2010, the appellant sought certain information. The said application was received in the Office of respondent No.1 on 22/11/2010. By reply dated 28/12/2010 the A.P.I.O. informed the appellant that relevant information is not available with their office and the same cannot be furnished. It was also informed that the office of Comunidade of Serula has been sealed upon order issued by the Collocator,

North Goa. Being not satisfied the appellant preferred an appeal before F.A.A./respondent No.2. However, the order of F.A.A./respondent No.2 is not on record.

It is the case of the respondent No.1 that at the relevant time the office of Comunidade de Serula was sealed.

It is seen from written submissions that now the office is not sealed and as such respondent No.1/P.I.O. can provide the information in view of powers vested in the respondent No.1.

6. Regarding delay. The information was sought by letter dated 16/11/2010 reply is furnished by letter dated 28/12/2010. Admittedly there is delay of about 11/12 days. In factual backdrop of this case the information be provided free of charge.

7. In view of this, I am of the opinion that P.I.O./Respondent No.1 to furnish the information as sought. In case of any delay the appellant is free to agitate/press for penalty. Hence, I pass the following order.

ORDER

The appeal is partly allowed. The respondent No.1 is hereby directed to furnish to the appellant the information sought by him, vide his application dated 16/11/2010 within 20 days from the date of receipt of this order.

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