

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.53/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

... Respondents

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 provide the information sought; that penalty be imposed on the P.I.O. for not providing information within prescribed time limit; that disciplinary action be recommended against the respondents and that appellant be compensated for the detriment caused.

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

That the appellant, vide application dated 29/11/2010, 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 and hence appellant

preferred the first appeal before the First Appellate Authority(F.A.A)/respondent No.2. That after filing the first appeal, A.P.I.O. informed that information sought is voluminous and needs to be compiled. That the F.A.A/ respondent No.2 failed to dispose of first appeal 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 submission of the respondent No.1 is on record. It is the case of respondent No.1 that the appellant/applicant sought the information by application dated 29/11/2010 pertaining to the period of year 2008, 2009 and up to October 2010, however, failed to specify to which Commuidade it is related and hence being very vague, non-specific and voluminous needed to be complied and accordingly informed him vide letter reference No. ACNZ/RTI A/114/10-11/65. That the applicant was requested by letter dated 31/12/2010 to visit the office, inspect the relevant records and take extracts on payment of required fees. According to respondent No.1 appeal is liable to be dismissed.

4. Heard the appellant and the learned Adv. K. H. Bhosale for the respondent No.1, Written submissions of the parties are also 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 29/11/2010 the appellant sought certain information consisting of 3 points i.e.(i), (ii) and (iii) and also inspection of records. By reply dated 31/12/2010 the A.S.P.I.O. informed the appellant that information sought is voluminous and needs to be compiled. The appellant was also requested to visit the office inspect the records and take extracts of

the copies on payment of required fees if he so desires. It is not known if appellant took inspection as records do not show so. It is seen that appellant preferred First Appeal, however, according to appellant appeal is not decided. It is to be noted here that appeal is to be disposed within 30 days or 45 days.

In any case the information can be furnished to the appellant.

6. Coming to the aspect of delay. The application seeking information is dated 29/11/2010. The reply is dated 31/12/2012. Apparently there is delay of 1 or 2 days. Of course by the said letter the appellant was called to inspect, etc. In view of this the information can be furnished free of cost under Sec.7(6) of the R.T.I. Act.

7. The complainant also seeks inspection of records. The same can be given. Considering that information is voluminous inspection be taken by the appellant first. The respondent No.1 can fix a date for inspection and thereafter the information could be furnished.

8. In view of all the above, I pass the following order.

### **ORDER**

The appeal is allowed. The respondent No.1/P.I.O. is hereby directed to furnish to the appellant the information sought by him vide his application dated 29/11/2010 within 30 days from the receipt of this order.

Needless to add that the information be furnished free of cost in terms of Sec.7(6) of the R.T.I. Act.

The respondent No.1 to give the inspection of records to the appellant on a mutually agreed date but within 10 days from the receipt of this order and thereafter on inspection the information be

furnished. The whole process to be completed within 30 days from the date of receipt of this order.

The appeal is, accordingly, disposed off.

Pronounced in the Commission on this 29<sup>th</sup> day of June, 2012.

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