

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.54/SIC/2010**

Shri Mahesh Kamat,  
R/o.Shivnery Co-op. Housing Society  
Comba, Margao, Goa ... Appellant.

V/s.

1. The Public Information Officer,  
Kadamba Transport Corporation Ltd.,  
Alto Porvorim, Goa ... Respondent

Appellant present.

Respondent No.1 absent.

Adv. P. Agrawal for respondent No.1 present.

**J U D G M E N T**  
**( 12/06/2012 )**

1. The Appellant, Shri Mahesh Kamat, has filed the present appeal praying that the information as requested by the appellant, be furnished to him as follows :-

(a) Records to show that resolution No.7/2007 provided covers within its scope the appointment of outside legal professionals to represent K.T.C.L. in cases under R.T.I. and the remuneration payable in such cases;

(b) use of light vehicle for residential purposes by Shri Naik and Kunkolienkar for residential purposes;

(c) records under Sr. No.3, C(8, 9, 10) 3 (e, f, g, h, i);

(d) records under Sr. No.4 (a & b) and c(a & b);

(e) records at Sr. No.5(c);

(f) records at Sr. 6(a, b, c, d, e);

(g) records at Sr. No.7(e & f);

that information be provided free of cost due to failure of the P.I.O. to comply with the time limits specified under the act; that penalty be imposed as per the Act and the compensation be given to the complainant.

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

That the appellant, vide application dated 27/8/2009, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent. That the P.I.O. vide letter dated 26/9/2009 furnished 37 Nos certified xerox copies and informed that information at Sr. No.1, 2(part), 3(part), 4(part), 5(part), 6(part) & 7(part) cannot be furnished as the same is not received from concerned department even after reminder. Being not satisfied the appellant preferred the first appeal before the First Appellate Authority. That by order dated 29/1/2010 the F.A.A. directed the P.I.O. to provide information where it is readily available and or after compiling the same from the sectional Heads concerned and in respect of certain items where the information is not available in the records and or in the manner sought by the applicant then the P.I.O. shall inform the applicant about the factual position in that regard within 15 days. That the P.I.O. failed to provide information to the appellant as directed by the Appellate Authority. Being aggrieved the appellant has preferred the present appeal on various grounds as set out in the memo of Appeal.

3. The respondent resists the appeal and the counter statement by respondent is on record. In short it is the case of the respondent that the appeal is misconceived and bad in law. That the purported appeal filed by the appellant is a

gross abuse and misuse of R.T.I. Act. That the information sought by the appellant does not come within the definition of “information” and is not one which is a matter of records of the respondent and/or required to be or which can be furnished by the respondent. That the purported appeal does not satisfy the mandate of Sec.18 & 19 of the R.T.I. Act. That the grounds set out in the appeal are not as per the mandate of the Act. That there is no refusal of any information available with the respondent. The respondent provided and furnished the information available and wherever the respondent has found the information was not specific, opportunity was given to the appellant to inspect the records and files to specify and prioritize the information, which should be furnished as per the provisions of the Act. That the appellant is a chronic applicant and has filed multiple applications under R.T.I. asking voluminous information misusing the powers given to the citizens to have benefit under the Act in public interest. That the appellant was an ex-employee of Kadamba Transport Corporation Ltd.(K.T.C.L.) and has been given compulsory retirement by K.T.C.L. by following due procedure established by law. That the applicant in order to take revenge from K.T.C.L. has taken the R.T.I. as a tool of vendetta against the department and malign its staff, particularly senior officials by putting frivolous multiple applications. That the appellant has personal interest, rather than public in seeking the information. That the appellant has filed about 60 applications to the P.I.O. of K.T.C.L. for seeking irrelevant information under R.T.I. All these applications were filed by the appellant after the decision of compulsory retirement was taken by the K.T.C.L. That in many such applications filed by the appellant, the appellant has been seeking irrelevant information repeatedly amounting to misuse of the beneficial provisions of the R.T.I. Act solely with a view to harass the public authority. That in some of the

applications made by the appellant, either the complainant has failed to deposit money and collect information or has failed to appear for the inspection of the records for which he has sought information. That the appellant in the process of misusing the beneficial provisions of the R.T.I. Act has not only added to the work burden of the functionaries of the R.T.I. but also unduly added to the cost of providing the information. That the present application in question i.e. application dated 27/8/09 was filed by the appellant during the tenure of respondent's predecessor, Shri A. S. Shirvoikar who was holding the charge of P.I.O. and who has recently retired from the services of the K.T.C.L. on 30/11/2011. That the respondent took charge as P.I.O. on 5/4/2010 vide order dated 5/4/2010. That the present appeal was filed during the tenure of respondent's predecessor. The respondent denies the contents of para 1 to 4 of the Memo of Appeal. That the grounds mentioned are untenable without any merits. According to the respondent the appeal is liable to be dismissed.

4. Heard the appellant and Adv. Shri P. Aggrawal for respondent No.1. Both sides argued on similar lines as per their pleadings.

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 27/8/2009, the appellant sought certain information consisting of 8 items. i.e. Sr.No.1(a), (b), 2(a) (b) (c), 3(a) (b)(c) (d) 1 to 10 (e), (f), (g) (h) (i), 4 (a), (b), (c) a to c, 5(a), (b), (c), (d), (e), (f), 6 (a) to (g), 7(a) to (e) and 8(a) to (g). By reply dated 26/9/2009 information was

furnished partly and it was informed that information at Sr. No.1, 2(part), 3(part), 4, 5(part), 6(part) & 7(part) cannot be furnished as the same is not being received from concerned dept. even after reminder. Being aggrieved the appellant preferred an appeal before the First Appellate Authority. By order dated 29/1/2010 the F.A.A. observed as under :-

“8. Nevertheless, in the light of the above observations made by the undersigned the Public Information Officer shall suitably dispose the applicant’s request for information made vide application dated 27/8/2009 by providing the information wherever the information is readily available and/or after compiling the same from the Sectional Heads concerned and in respect of certain items where the information is not available in the records and/or in the manner sought by the applicant then the P.I.O. shall inform the applicant/appellant about the factual position in that regard within 15 days. The sectional Heads are hereby directed to co-ordinate and co-operate with the P.I.O. On compiling and furnishing the correct and factual information wherever possible within 7 days from the receipt of this order.

In view of the above, the appellant’s appeal dated 9/11/2009 stands disposed off.”

It is the grievance of the appellant that this order is not complied with. Since the order of the F.A.A. is not challenged the same stands and the P.I.O. will have to comply with the same. I have also perused the observations in para 4, 5, 6 and 7 of the order of F.A.A.

6. It is to be noted here that under R.T.I. P.I.O. can take assistance under sec.5(4) of the Act if he requires. In any

case, since there is order of the F.A.A. the same is to be complied with.

7. Regarding aspect of delay. Initially part information was furnished and that too in time. Under R.T.I. information held is to be furnished. The P.I.O. had to collect the same from other sectional heads. Here there is delay in complying the order of F.A.A. In any case the information be furnished free of cost. In case the information is not furnished the appellant can take recourse to Sec.20 of the R.T.I. Act/penalty.

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

### **ORDER**

The appeal is allowed. The respondent/P.I.O. is directed to comply the order dated 29/1/2010 passed by F.A.A. in appeal No.RTI/19/2009-10/184 and/or furnish the information to the appellant in respect of Sr. No.1, 2(part), 3(part), 4, 5(part), 6(part) & 7 (part) of his application dated 27/8/2009, free of cost, within 30 days from the receipt of this order.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 12<sup>th</sup> day of June, 2012.

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