

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 272/SCIC/2011

Mr. Harihar V. Chodankar,  
Block A-1, Ground Floor, Kamat Woods,  
Pedem, Mapusa,  
Bardez - Goa

.... Appellant

V/s.

1) State Public Information Officer,  
Administrator,  
Office of the Administration of the Comunidade,  
North Zone, Mapusa,  
Bardez - Goa

... Respondent No.1.

2) First Appellate Authority,  
Additional Collector-II,  
Collectorate, North District,  
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Adv. Shri K. H. Bhosale for Respondent No. 1.

**J U D G M E N T**  
**(26.07.2012)**

1. The Appellant, Shri Harihar V. Chodankar, has filed the present Appeal praying that the P.I.O. be directed to provide the information/certified copies of the documents immediately; that penalty be imposed till information is furnished and that disciplinary action may be taken against the PIO under the service rules applicable to him for dereliction of duties.

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

That the Appellant vide an application dated 28.09.2011 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. failed to furnish the information and hence the Appellant filed First Appeal before the First Appellate Authority (FAA)/Respondent No. 2. That in the meantime the Appellant received a letter from the Office of the Administration of Comunidade, North Zone/P.I.O. dated 25.10.2011

on 01.11.2011 further asking one more month's time to furnish the information. That by order dated 22.11.2011 the FAA directed the P.I.O. to provide certified copies of the documents within twenty days from the date of passing of the order. That information sought has not been provided so far and hence the present Appeal.

3. In response to the notice Adv. Shri K. H. Bhosale on behalf of Respondent No.1 appeared. Respondent No.1 did not file any reply as such.

4. Heard the Appellant and perused the records of the case. It is seen that by application dated 28.09.2011 the Appellant sought certain information. It appears that the same was not furnished and as such on 31.10.2011 the Appellant filed the appeal before the FAA/Respondent No. 2. According to the Appellant this letter was received on 01.11.2011. By this letter P.I.O. informed the Appellant that their office requires one month more to trace the file of plot No. 50 and 93. The F.A.A. passed the order dated 21.11.2011 and observed as under:-

“Heard both the sides. In view of the above submissions made, it is hereby directed that the Respondent/P.I.O shall dispose off the applicant's application dated 28.09.2011 by furnishing to the Appellant all the documents which are available with the Commuidade authorities as well as her own office within 20 days from today, if need be, by recalling the same from the respective authorities before whom they are submitted (specifically in view of the Appellant's application and the present Appeal under RTI, 2005).

Since there is already delay in submitting the requested information the Respondent shall submit the same to the Appellant free of cost.”

4. This Order of the FAA has not been challenged and, therefore, same stands. Respondent No. 1 will have to comply with the same.

5. It is the grievance of the Appellant that the information has not been furnished so far. According to him there is delay. FAA also mentions about delay. In any case to my mind the P.I.O./Respondent No. 1 is to be given an opportunity to explain about the same in the factual matrix of this case.

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

**ORDER**

The Appeal is allowed. The Respondent No.1 is hereby directed to comply the order of the FAA dated 21.11.2011 passed in Case No. RTI/AC-II-15/11/APL/198 and/or to furnish the information sought by the Appellant vide his application dated 28.09.2011 **within 20 days** from the date of receipt of this Order.

Issue notice under Section 20(1) of the R.T.I. Act, 2005 to the P.I.O./Respondent No. 1 to show cause 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 13.09.2012**. The P.I.O./Respondent No. 1 shall appear for hearing.

Further inquiry **posted on 13.09.2012 at 10:30a.m.**

The Appeal is, accordingly, disposed off.

Pronounced in the Commission on this 26<sup>th</sup> day of July, 2012.

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





