

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 273/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 30.08.2011 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 Appellant received a letter dated 27.09.2011 from the Administrator of Comunidade of North Zone/P.I.O. informing to collect the documents of the files bearing plot No.78, 100, 101 and further asking two weeks time to furnish the information of the remaining two files of plot No. 99 and of

Mr. Shridhar Gawde. That the P.I.O./Respondent No. 1 failed to furnish the information of the two files of plot No. 99 and of Mr. Shridhar Gawde in extra period sought by the Administrator. Hence, the Appellant filed First Appeal before the First Appellate Authority ('F.A.A.')./Respondent No. 2 on 14.10.2011. That the F.A.A. was pleased to pass the order dated 21.11.2011 asking the P.I.O. to provide certified copies of the documents in respect of files pertaining to plot No. 99 and that of Shridhar Gawde within 15 days from the passing of the order. That the information furnished of Shridhar Gawde is of only 8 pages and as such it is incomplete and that the information pertaining to plot No. 99 has not been provided. Being aggrieved the Appellant has preferred 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 30.08.2011 the Appellant sought certain information. By letter dated 27.09.2011 the P.I.O. informed the Appellant to collect the information and it was also informed that their office seeks two weeks more to trace remaining files of plot No. 99 and of Mr. Shridhar Gawde. Since this part information was not furnished within the specified time the Appellant preferred appeal before the First appellate Authority ('F.A.A.') on 14.10.2011. By order dated 21.11.2011 the F.A.A. observed as under:-

“7. In view of the above, the appeal dated 14/10/2011 filed by the appellant is allowed. The respondent/PIO is hereby directed to provide the certified photocopies of all the documents in respect of the file pertain to plot no. 99 and that of Mr. Shridhar Gawde to the appellant free of cost within 15 days from today.”

It is now the case of the Appellant that the information furnished of Shridhar Gawde is of only 8 pages and as such it is incomplete and regarding plot No. 99 information has not been provided.

The Order of the F.A.A. is not challenged and, therefore, the same stands. It appears that the said Order is partly complied with by furnishing some of the documents in respect of Shridhar Gawde. The Respondent No.

1/P.I.O. will have to comply the same in toto. Now, coming to the aspect of delay, initially some two weeks time was sought and part of the information was furnished. Again some information is furnished and information in respect of plot No. 99 has not been furnished. Apparently there is some delay in furnishing part of the information. In any case to my mind P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case. 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 passed by the F.A.A. in Case No. RTI/AC-II/14/11/APL dated 21.11.2011 and/or furnish the information in respect of plot No. 99 and remaining part of information pertaining to file of Shridhar Gawde, if available, within 30 days from the date of receipt of this Order.

Issue notice under Section 20(1) of the RTI Act, 2005 to the P.I.O./Respondent No. 1 to show cause as to 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 26th day of July, 2012.

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

