

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.94/SIC/2011

Shri Oscar Leal Gracia,
C/o.Mr.Vernon Fernandes,
Flat No.B/5, Ground Floor,
Don Wado, Saligao,
Bardez, Goa

... Appellant

V/s.

1. The Secretary,
Village Panchayat of Assagao,
Bardez-Goa
 2. The First Appellate Authority,
Block Development Officer,
Bardez - Goa
- ... Respondent

Appellant present.
Respondent No.1 present.
Respondent No.2 absent.

J U D G M E N T
(09/07/2012)

1. The Appellant, Shri Oscar Leal Gracia, has filed the present appeal praying that the directions be issued to the respondent to furnish the information as sought in his application dated 1/2/2011 and that fine may be imposed for the delay from the date 1/2/2011 till the date of granting the information.

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

That the appellant, vide application dated 1/2/2011, 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 when came to know from his son in law that construction of compound wall is going on in the property bearing Sy.220 No.44 of village Assagao,

Bardez, Goa, he came down from Pune and immediately filed application for information under R.T.I. Act. That the appellant also moved application on 25/2/2011 U/s.66(6) of Village Panchayat Raj Act and the same is pending due to R.T.I. Act. That the appellant had gone to the Village Panchayat of Assagao from 23/2/2011 in order to collect the information but the respondent could not be found nor the information was kept with the clerk. Being not satisfied, the appellant filed appeal before the respondent No.2 and the said appeal came to be disposed on 6/4/2011. That in spite of the order of respondent No.2, respondent No.1 has failed to deliver the documents as mentioned in application dated 1/2/2011. That the respondent has not complied with the provisions of the R.T.I. Act. Being aggrieved the appellant has filed the present appeal.

3. The respondent resists the appeal and the reply of respondent No.1 is on record. In short, it is the case of respondent No.1 that he had received an application dated nil from the appellant which was inwards in the Panchayat office on 1/2/2011. That vide letter dated 8/2/2011, the respondent No.1 informed the appellant that the said application is under process and when the information is ready, it will be informed to the appellant. That the information asked by the appellant has been furnished to the appellant vide letter dated 17/3/2011. That the reply to the appeal memo could not be furnished within time as there was direction from Director, Directorate of Panchayat, Panaji-Goa to conduct a special Gram Sabha meeting on 7/10/2011 and 10/10/2011 regarding special summary revision of photo electoral rolls.

It is seen from the records that during the arguments, respondent No.1 and 2 remained absent and hence only appellant was heard. In any case, I am proceeding on basis of records.

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 information is furnished and whether the same is furnished in time.

It is seen that the appellant sought certain information. The application does not bear any date, however, the same was received on 01/02/2011. By letter dated 8/2/2011 the P.I.O. informed the appellant that application has been received and is under process and that the appellant would be informed as and when information is ready, to collect the same. It is seen that by letter dated 17/3/2011 the information is furnished.

The appellant states that information is furnished but after 45 days.

5. It is now to be seen whether there is delay in furnishing the information. It is seen that the information was sought by application dated 1/2/2011 and the information was furnished by letter dated 17/3/2011. Apparently there is some delay, however, to my mind the respondent No.1/P.I.O. should be given an opportunity to explain about the same in the factual matrix of this case.

6. In view of all the above since the information is furnished no intervention of this Commission is required. The respondent No.1/P.I.O. is to be heard on the aspect of delay. Hence I pass the following order.

ORDER

The appeal is allowed. No intervention of this Commission is required as information is furnished.

Issue notice under Sec.20(1) of the Right to Information Act, 2005 to the respondent No.1/P.I.O. 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 **21/08/2012**. The P.I.O./respondent No.1 shall appear for hearing.

Further inquiry posted on **21/08/2012** at **10.30 a.m..**

The appeal is, accordingly, disposed off.

Pronounced in the Commission on this 9th day of July, 2012.

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