

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 179/SCIC/2011

Mr. Socorro Fernandes,
H. No. 166, Palolem,
Canacona - Goa

.... Appellant.

V/s.

Public Information Officer,
Canacona Municipal Council,
Canacona – Goa

.... Respondent.

**Appellant alongwith Adv. Ms. S. M. Dessai.
Respondent in person.**

J U D G M E N T
(03.07.2012)

1. The Appellant, Shri Socorro Fernandes, has filed the present Appeal praying that directions be given to the Respondent to furnish the information sought by the Appellant; that penalties contemplated under section 20 of the RTI Act be imposed upon the Respondent for causing delay to decide the application for seeking information under the Act.

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

That the Appellant, vide an application dated 28.02.2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer ('P.I.O.)/Respondent. That by letter dated 28.02.2011 bearing No. S/CMC/RTI/2010-11/2716 the Chief Officer of Canacona Municipal Council informed the Appellant to collect the documents as desired by the Appellant. That the Respondent submitted to the Appellant documents which were not certified. Even the information given in the documents is not as per the format asked by the Appellant. That the Appellant has clearly asked in his application ward wise assessment registration. He could have very well given ward wise details stating with ward no. I till No. X with their allotted numbers in his Tax register. That the information and documents submitted by the Respondent is not as per the format asked by the Appellant as it is not certified and not given ward wise

as asked by the Appellant. That the Respondent knowingly gave improper and incomplete information to mess up and mislead the Appellant. That being not satisfied the Appellant approached the First Appellate Authority and vide Order dated 26.05.2011 the First Appellate Authority directed the Respondent to furnish ward wise information and details till the date of the application within 21 days without charging fees to the Appellant. That the Respondent has not given the information as requested and that the copies furnished did not bear the signature of the present Chief Officer and that the information is all mixed up and hence the present Appeal.

3. The Respondent resists the Appeal and the reply of the Respondent is on record. In short it is the case of Respondent that the required information was furnished to the Appellant, that there was no case of issuing ward wise information as the same was not called for by the Appellant in his application. That para No. 1 of the memo of appeal speaks for itself as to what sort of information was sought by the Appellant. That the Appellant cannot now change the claim at the Appellate stage. That there is no format prescribed for furnishing the information. The Respondent denies that Respondent gave improper and incomplete information to mess up and mislead the Appellant. That even after receipt of the order from the First Appellate Authority the required information was furnished to the Appellant under the reply dated 10th June, 2011. That once compliance was made there is no question of imposing penalty as alleged. That the Respondent has complied the directions given by the First Appellate Authority, in addition to the earlier furnishing the copies to the Appellant based on his application. That there is no case of any further compliance to be made by the Respondent. According to the Respondent the Appeal is liable to be dismissed.

4. Heard the Appellant as well as the Respondent. According to the Appellant information is incomplete and illegible.

During the course of his arguments the Respondent submitted that the said information can be furnished to him.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The short point that arises for my consideration is whether the information is furnished or not. It

is seen that by application dated 28.02.2011 the Appellant sought certain information consisting of two items i.e. Sr. No. 1 and 2. The said application was received in the office of the Respondent on 01.03.2011. It appears the Appellant was called and information was furnished. There is no dispute regarding the information being furnished. According to the Appellant the information that is furnished is not proper and it is mixed up. I have perused the information furnished. I have also noted that some pages are missing, etc. The Respondent during the course of his arguments submitted that whatever information has been furnished is as available in the records. He also states that he is prepared to furnish the said information again. He also pointed out that records are very bulky and they again change the Sr. No. as per computer records. The Respondent also agrees to give legible copies. Since Respondent agrees to furnish the information he should do so. The parties agree that there is no question of delay in so far as furnishing of information. Even after the order of F.A.A. the information has been furnished in time.

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

ORDER

The Appeal is allowed. The Respondent is hereby directed to furnish the information properly to the Appellant as sought by him vide his application dated 28.02.2011 within twenty days from the date of receipt of this Order. The said information be given free of cost.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 03rd day of July, 2012.

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