

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 180/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 his application dated 25.02.2011, 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 the Respondent failed to furnish the information within the time frame and therefore amounts to deemed refusal of the request under Section 7(2) of the RTI Act. Being not satisfied the Appellant preferred appeal before the Director of Municipal Administration/Urban Development/First Appellate Authority ('F.A.A.'). That the FAA ordered the Respondent to furnish the required information within statutory period of 15 days without charging fees from the Appellant. That till date no information is furnished to the Appellant. Being aggrieved the Appellant has preferred 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 present Appeal was preferred by the Appellant in the month of August, 2011 and the required information was furnished to the Appellant by the Respondent vide reference dated 5.CMC/RTI/2011-12/479 dated 7th June, 2011 as per the directions given in the Order dated 26.05.2011 by the FAA. However, the Appellant refused to accept the said reply which was sent through the official of the Respondent by name Shri Laximan Gaunkar. That the Appellant has not come with clean hands before this Commission; that copy of delivery book is also produced. That required information was furnished subsequently. That the required information was furnished to the Appellant but he refused to accept. That there is no contempt committed by the Respondent. That the present Appeal is nothing but abuse of the process of law. That the Appellant on one hand does not accept the reply and approaches this forum to harass the Respondent for the reasons best known to the Appellant. That there is no case for imposing penalty as can be seen from the enclosed records.

4. Heard the Appellant as well his Adv. Ms. S. M. Dessai.

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 vide application dated 25.02.2011 the Appellant sought certain information consisting of 5 points i.e. Sr. No. 1 to 5. That the Respondent failed to furnish the information. Hence the Appellant preferred an appeal before the First Appellate Authority. By order dated 26.05.2011 the F.A.A. ordered the Respondent to furnish the information within 15 days without charging fees. It is the case of the Respondent that the Appellant refused to accept the said reply which was sent through the official of the Respondent by name Shri Laximan Gaunkar. The Respondent has also produced the copy of handbook of delivery. I have perused the same. During the course of the arguments the Appellant denies the same.

I have perused the said reply which is on record. The Respondent agrees to give the same.

6. Adv. Ms. Dessai submits that if information is furnished the Appellant will have no grievance of any sort.

7. Regarding delay. No doubt there is some delay in furnishing the information. However the Appellant has no grievance of any nature regarding the same. In any case information be provided free of cost.

P.I.O. should bear in mind that R.T.I. is a time bound programme between the administration/public Authority and the information seeker. P.I.O. should provide information as early as possible preferably within 30 days as provided by the Act.

8. In view of the above, I pass the following Order:-

ORDER

The Appeal is allowed. The Respondent/P.I.O is hereby directed to furnish the information to the Appellant as sought by him vide his application dated 25.02.2011 within 20 days from the date of receipt of this Order.

The information be provided without charging fees.

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