

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No. 103/SCIC/2011**

Shri G. D. Phadte,  
898, Nila Niwas, Alto Torda,  
Porvorim, Bardez - Goa  
P. O. – 403 521

.... Appellant

V/s.

- 1) Public Information Officer,  
Secretary,  
Penha de France Village Panchayat,  
M.S. Mardolkar, Britona-Bardez and after  
Relieving him his Successor PIO/V.P.Secretary. ... Respondent No.1.
  
- 2) Block Development Officer,  
Bardez,  
Mapusa – Goa ... Respondent No. 2.

Appellant in person.

Respondents absent.

Shri Vinod Kumbharjuvekar, representative of Respondent No. 1.

**J U D G M E N T**  
**(09.07.2012)**

1. The Appellant, Shri G. D. Phadte, has filed the present Appeal praying that the P.I.Os be directed to provide information and inspection sought, free of cost; that penalty be imposed on the P.I.Os for denial/delay in giving information and inspection and that Appellant be compensated and disciplinary action be recommended against the P.I.O.

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

That the Appellant, vide application dated 14.03.2011 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. Shri M. S. Mardolkar neglected to provide information within prescribed time limit. Hence, the Appellant preferred appeal before the First Appellate Authority ('F.A.A.)/Respondent No. 2. That the Respondent No. 2/F.A.A. ordered to provide information within 7 days. That the P.I.O. again

neglected in complying the order of F.A.A. That the Appellant is entitled to information and inspection free of charge as per Section 7(6) of the RTI Act. Being aggrieved the Appellant has filed the present Appeal.

3. In pursuance of the notice issued the P.I.O. remained absent however his representative Shri Vinod Kumbharjuvekar appeared and stated that information is furnished. Various opportunities were given however Respondent P.I.Os remained absent. Fresh notice was also issued but the P.I.O. did not remain present.

4. Heard the Appellant and perused the records of the case.

It is seen that vide application dated 14.03.2011 the Appellant sought certain information. IT is the case of the Appellant that the same was not furnished within the statutory period of 30 days and hence he preferred Appeal before the F.A.A. By order dated 06.05.2011 the F.A.A. directed the Respondent to furnish the information within 7 days. Since information was not furnished the Appellant landed before this Commission.

During the course of arguments Appellant submits that information is furnished. His only grievance is that there is gross delay in furnishing the information.

5. Now it is to be seen whether there is delay in furnishing the information. Application seeking information is dated 14.03.2011. There is nothing on record to show that information was furnished. Order passed by F.A.A. is dated 06.05.2011 and again information is not furnished. According to the written arguments of the Appellant on record it is seen that the information was furnished on 12.07.2011. If it is so then apparently there is delay. However, to my mind P.I.O. is to be given an opportunity to explain about the same in the factual matrix of this case.

6. In view of the above no intervention of this Commission is required as information is furnished. The Respondent P.I.O./P.I.Os 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 Section 20(1) of the RTI Act, 2005 to the P.I.O/P.I.Os./Respondent No. 1 to show cause as to why penal action should not be taken against him/them for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 17.09.2012. The P.I.O/P.I.Os shall appear for hearing.

Further inquiry post on **17.09.2012 at 10:30a.m.**

The Appeal is, accordingly, disposed off.

Pronounced in the Commission on this 09<sup>th</sup> day of July, 2012.

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





