

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 105/SCIC/2011

Shri G. D. Phadte,
898, Nila Niwas, Alto Torda,
Porvorim,
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 16.03.2011 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 by letter dated 16.03.2011 the Appellant sought certain information. It appears that no information was furnished and as such Appellant preferred an appeal before the F.A.A./Respondent No. 2 on 18.04.2011. By order dated 06.05.2011 the F.A.A. directed the Respondent No. 1 to hand over the information within 7 days. It is the case of the Appellant that this order is not complied with. During the course of arguments Appellant states that the information is furnished. The only grievance of the Appellant is that the same is furnished after a long delay.

5. Now it is to be seen whether there is delay in furnishing the information. The application is dated 06.03.2011. It appears that no information was furnished and hence the Appellant preferred First Appeal. According to the Appellant the information is furnished on 14.07.2011. If it is so, there is apparently some delay. However, to my mind the P.I.O./P.I.O.s Respondent No. 1 should be given an opportunity to explain about the same in the factual matrix of this case.

6. Since information is furnished no intervention of this Commission is required. The 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 09th day of July, 2012.

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

