



Appellant referred to the facts of the case and submitted that even after the judgment no information was furnished. That information was furnished on 23.01.2012.

Adv. Shri Kubal submitted that the Application was vague. That after order of F.A.A. information was furnished on 30.03.2011. He also referred about clarity sought. He submitted that he did not commit any breach and after F.A.A. order the Respondent furnished the information. That there is no delay on the part of P.I.O. According to him penalty proceedings be dropped.

In reply the Appellant submitted that full penalty be imposed.

4. The Respondent has also filed the written submission dealing all the sequence of facts and the same is on record.

5. I have carefully gone through the records. It is seen that information was sought by application dated 17.01.2011. By letter dated 15.02.2011 Appellant was requested to appear for clarification. There is a dispute regarding this letter. According to Appellant he did not receive this letter. There is a remark 'refused to accept'. But there is nothing to show that how the same was sent to the Appellant whether by post or by hand-delivery. Besides, the same was sent almost on the last date.

The Order of F.A.A. is 23.03.2011 and information is furnished by letter dated 30.03.2011, that is within 10 day as ordered.

6. Now it is to be seen about the order of this Commission. The order was as under:-

“The Appeal is allowed. The Appellant to furnish the clarification regarding names, etc. within 5 days from the receipt of the order and thereafter the Respondent No. 1 to furnish the information within 20 days from the date of receipt of the clarifications from the Appellant.”

This order was passed on 16.08.2011. By letter dated 23.08.2011 the Appellant furnished the clarification. This letter was received by the office of V.P. Penha-de-Franca on 23.08.2011.

On 20.09.2011 the Appellant filed an application stating that no information has been furnished within 20 days as directed. The information

was furnished by letter dated 23.01.2012. Admittedly there is delay in complying the order of this Commission.

7. I now proceed to consider the question of imposition of penalty upon the Respondent/P.I.O. under Section 20 of the R.T.I. Act. Penalty can be imposed only if there is no reasonable cause for not furnishing the information within the period of 30 days. I have considered the explanation given by P.I.O., however, the fact remains about complying the order of the Commission. Under R.T.I. delay is inexcusable. Public authorities must introspect that non-furnishing of information lands a citizen before F.A.A. and this Commission resulting into unnecessary harassment of a common man which is legally not permissible. R.T.I. Act provides Rs.250/- per day. However, considering the pros and cons of the matter I am inclined to take a lenient view of the matter. I feel that imposition of penalty of Rs.7000/- (Rupees Seven Thousand only) would meet the ends of justice.

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

### **ORDER**

The Respondent/P.I.O. is hereby directed to pay **Rs.7000/- (Seven Thousand only)** as penalty imposed on him today. This amount of penalty should be recovered from the salary of P.I.O./Respondent in three instalments i.e. from the month of October, November and December, 2012. The Office of Block Development Officer, Bardez to execute the order and recover the penalty from the Respondent/P.I.O. The said amount be paid in Government Treasury.

A copy of the Order be sent to the Director of Panchayat, Directorate of Panchayat, Government of Goa, Panaji and to the Director of Accounts, Directorate of Accounts for information.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 18<sup>th</sup> day of June, 2012.

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

