

GOA STATE INFORMATION COMMISSION
Ground Floor, Shrama Shakti Bhavan, Patto Plaza,
CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Penalty 67/2011
In
Complaint No. 594/SCIC/2010

M/s. Vastuseva Builders,
Through its Proprietress,
Mrs. Milan N. K. Sambary,
H. No. 430, Jaceenagar,
Ponda-GoaComplainant

V/s
Mr. P. S.S. Bodke,
The Public Information Officer/
State Registrar-cum-Head of Notary Services,
Registration Department,
Shramashakti Bhavan, Panaji Opponent

Adv. Ms. T. Bhosle holding for Adv. S. Phadte present
Ms. Surekha Naik, Jr. Steno, present from the Office of Opponent

O R D E R (Open Court)
(11/11/2013)

A Complaint was filed under Complaint No. 594/SCIC/2010 in which order was passed by Hon'ble Chief Information Commissioner on 30.09.2011 it was mentioned

"No intervention of this Commission is required as information is furnished. However notice for Penalty may be issued u/s. 20 (1)"

The case of the Complainant was that the Public Information Officer (PIO) did not furnish full information along with the documentary support as ordered by First Appellate Authority (FAA), by his Order in Information Appeal No. 5/2010 dated 26/10/2010. However Learned Chief Information Commissioner only partly allowed on 30/09/2011 with observation quoted above and issued notice to Opponent PIO, to which a reply has been filed by PIO on 10.11.11.

However, on the same day, the Complainant also filed another application for correction of records which virtually asks for reconsideration of the matter by reopening it. A request for correction of the records is generally allowed when the correction is in terms of any typographical error or clerical error in Judgement. The error should be apparent on its face. The request for correction cannot be for reopening the case.

....2/-

The application dated 10/11/2011 for correction of record filed by complainant has to be dismissed on that ground alone.

More over I have also observed in the original file Complaint No. 594/SCIC/2010 that the relevant letter dated 23/07/2008 from Madhuker P. Vernekar as well as the relevant Order from Deputy Registrar of Cooperative Society on 28/02/2008 together are sufficient documents to answer the queries asked under original question No. 4 in the application dated 18/12/2009.

Hence the application dated 10/11/2011 filed by Complainant for correction of record is dismissed.

As far as the notice issued under Section 20 of the RTI Act to the Respondent is concerned, I observe that the original question 4 of application was asked on 18/12/2009 to the Respondent (PIO). He gave some reply on 20/01/2010 which was treated as "not full" by the FAA. Afterward during the hearing before the FAA, and based on the proceeding of 17/03/2010 the PIO has furnished information on 18/03/2010 which is declared as full by the Hon'ble Chief Information Commissioner in the above quoted Order. Thus the Order of FAA was complied without any delay.

The PIO has replied to the Show Cause Notice and stated that:

- Now the full information has been given to the applicant.
- Delay if any was not intentional.

I consider these two as satisfactory. Some Administrative reasons have also been stated which also I find satisfactory. I do not see any intentional or deliberate delay. Hence I do not see any reason to impose penalty. Hence it is ordered that no penalty need to be imposed against the then PIO, namely P. S. S. Bodke, State Registrar-cum-Head of Notary Services.

The case No. Penalty 67/2011 In Complaint No. 594/SCIC/2010 is disposed in above manner. Notice to the PIO (State Registrar Cum-Head of Notary Services) is discharged.

SD/-

(Leena Mehendale)

State Chief Information Commissioner