

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 282/SCIC/2008

Shri Kashinath Shetye,  
Bambino Building, Alto Fondvem,  
Ribandar, Tiswadi - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
Joint Director Accounts,  
Electricity Department,  
Panaji - Goa.
2. The First Appellate Authority,  
Superintendent Engineer II(N),  
Electricity Department,  
Panaji - Goa.

..... Respondents.

Appellant present in person.

Adv. Shri. K. L. Bhagat for both Respondents.

## **J U D G M E N T**

(Per Afonso Araujo)

Not content with the information provided by Respondent No. 1 and non-compliance of the order of the Respondent No. 2 are the questions to be decided in this Appeal.

2. The Appellant by letter dated 29/10/2008 sought information under the Right to Information Act, 2005 (for short the Act) from the Respondent No. 1, Public Information Officer, Jt. Director of Accounts, Electricity Department. In the reply dated 28/11/2008, the Respondent No. 1 provided the information sought. Not satisfied with this reply, the Appellant moved the First Appellate Authority, Superintending Engineer – II(N), Electricity Department, Panaji, Respondent No. 2 and by order dated 8/12/2008, the Respondent No. 2 disposed off the Appeal giving direction to the Respondent No. 1 to furnish information on points No. 1, 2 and 3 and allowed inspection within seven days. As the order of the First Appellate Authority has not been complied, the Appellant filed the present Appeal.

3. The grievance of the Appellant is that the information at Sr. No. 1, 2 and 3 in his letter dated 29/10/2008 addressed to Public Information Officer, Joint Director of Accounts, Electricity Department were not provided to him. The requirements are as follows: -

- 1) The particulars of your Organization, Functions and duties, under the RTI Act 2005
- 2) The powers and duties of officers and Employees, under the RTI Act 2005
- 3) The names of employees entrusted, under the RTI Act 2005.

4. The Respondent No. 1 in the reply dated 28/11/2008 and referring to queries at 1, 2 and 3 has stated that it is not clear whether the information is required of the whole Organization of the Chief Electrical Engineer or Jt. Director of Accounts of Electricity Department. It appears that the Respondent No. 1 was misled by the word "Organization" in the query No. 1 in the letter dated 29/10/2008. The Respondent No. 1 was under impression that the Appellant wants the particulars of the entire Organization when infact the word "Organization" was referring to the section where the Respondent No. 1 is attached in the Electricity Department. As the information at Sr. No. 4 to 12 of the letter dated 29/10/2008, the reply was given pertaining to the section where the Respondent No. 1 is attached, the Appellant expected the reply referring to the section of the Department and not the entire Organization. Infact, the manner the Appellant used word "Organization" in capital, at the first sight it appears that it refers to the entire Department of Electricity rather than only a section of the Department.

5. The Respondent No. 1 has been prompt and ready to furnish the information to the Appellant and there is no question of any refusal of the information. It is the confusion, which has been created by the word "Organization" at Sr. No. 1 which has led the Respondent No. 1 to seek clarification. In such circumstances, the proper course would be to direct the Respondent No. 1 to furnish the information at Sr. No. 1, 2

and 3 of the letter dated 29/10/2008, pertaining only to the section of the Electricity Department where the Respondent No. 1 is attached. Hence, the following order: -

**ORDER**

The Appeal is partly allowed. The Respondent No. 1 to provide the information mentioned at Sr. No. 1, 2 and 3 of the letter dated 29/10/2008 pertaining to section of the Electricity Department within 15 days from the date of this order and also provide for inspection of files with prior notice to the Appellant.

Pronounced in the open court on this 11<sup>th</sup> day of May, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

