

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 241/SIC/2008

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

..... Appellant.

V/s.

- 1) The Public Information Officer,
The Secretary,
Village Panchayat of Se Old Goa,
Tiswadi – Goa.
- 2) The First Appellate Authority,
The Block Development Officer,
Tiswadi Block, Panaji – Goa.

..... Respondents.

Adv. P. Prabhu for the Appellant.

Respondent No. 1 present in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant in the letter dated 22/09/2008 and received by the Public Information Officer, the Secretary of Village Panchayat Se Old Goa - the Respondent No. 1 on 27/9/2008, sought information pertaining to all movable and stationery handcart, stalls, kiosks, milk booths existing within the jurisdiction of the Panchayat and enumerated at points 1 to 11 in the letter dated 22/9/2008. The Respondent No. 1 by letter dated 18/10/2008, called the Appellant for inspection on 24/10/2008.

2. The Appellant preferred the First Appeal on 28/10/2008 on the ground that the information was denied by the Respondent No. 1 and by Judgment and Order dated 27/11/2008, the Appeal was partly allowed and the Respondent No. 1 was directed to inform the Appellant in writing the details of fees to be paid for the information provided. Aggrieved by this order of First Appellate Authority, the Appellant approached this Commission in Second Appeal which was presented on 4/12/2008.

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3. Adv. P. Prabhu for the Appellant submitted that the information was sought on 22/9/2008 and the reply dated 18/10/2008 of the Respondent No. 1 called the Appellant for inspection on 24/10/2008 and in pursuance of order dated 27/11/2008 the Respondent No. 1, on 2/12/2008 called to collect the information on payment of fees on any working days and as the copies were not ready, the Respondent No. 1 told that the copies would be sent home. Till today the Appellant was not provided with the information. Shri J. Naik, the Respondent No. 1 submitted that the information was received on 27/9/2008 and a letter was sent on 18/10/2008 for inspection on 24/10/2008 and that the fees to be paid was mentioned in letter dated 02/12/2008 and that all the information was provided by letter dated 7/5/2009.

4. I have gone through the records of case and the submission of the parties.

5. Upon the receipt of the information sought, the Respondent No. 1 by letter dated 18/10/2008 requested the Appellant for inspection of the files on 24/10/2008 so as to enable the Respondent No.1 to provide the information required and produced a copy of the certificate of posting. However, the Appellant on the ground the information were denied by Respondent No. 1, preferred the First Appeal. The First Appellate Authority on the strength the Appellant did inspect the files and the fact that the Appellant himself produced the letter dated 28/10/2008 wherein the Appellant was called for inspection and on the fact that the Appellant did not appear for hearing of the Appeal, by order dated 27/11/2008 partly allowed the Appeal and directed the Respondent No. 1 to specify the fees required to be paid by the Appellant to collect the information required.

6. The records indicates the Respondent No. 1 was all the time ready to provide the information to the Appellant. Even after the order of First Appellate Authority dated 27/11/2008, the Respondent No. 1 on 2/12/2008 mentioned the fees to be paid in order to collect the information. The contention of the Appellant that as directed he approached the Respondent No. 1 but the information was not ready and that the Respondent No. 1 told him that he would be sending the

information required at the Appellant's residence, cannot be accepted as there is nothing on record to substantiate these facts. The Respondent No. 1 by letter dated 7/5/2009 provided the information sought by the Appellant in his letter dated 22/09/2008. It appears that the grievance of the Appellant is not on the information provided but the delay in providing the information within the prescribed period. Since there is nothing on record indicating there is any negligence on the part of the Respondent No. 1 to provide the information to the Appellant and the fact that the information provided in letter dated 7/5/2009 meets the requirements to the letter of the Appellant dated 22/09/2008, this Appeal is disposed off accordingly.

Pronounced in the open court on this 30th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

