

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 252/2008/

Shri Yeshwant R. Prabhu
Carai, Mashem
Canacona - Goa

...**Appellant.**

V/s.

1) The Public Information Officer
The Executive Engineer
W.D. XIV (N.H), Public Works Department
Fatorda, Margao – Goa

...**Respondent No. 1**

2) The First Appellate Authority
The Superintending Surveyor of Works
Public Works Department
Altinho, Panaji – Goa

...**Respondent No. 2**

Appellant in person.

Smt. N. Narvekar for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The delay in providing information sought under the Right to Information Act is the grievance of the Appellant in this Second Appeal.

2. The Appellant on 12.06.2008 made a request to the Public Information Officer – Respondent No. 1 and sought the following information:

“N.O.C./permission given to any type of construction for private and government project, their set back from centre line of NH-17 & Existing NH from 24/1/03 to 30/9/08. For below details area/road by name of Applicant. Survey No., area, type of construction and their setback from centre line of NH-17 & existing NH.

(i) Km. 15 to km 93 (NH-17)

(ii) Mashem bypass Km 66 to Km 86 (Chaudi Canacona to Mashem & existing NH)

...2/-

- (iii) Margao bypass km 29.460 to km 36.060 (existing N.H.)
- (iv) Verna bypass junction to start Margao bypass i.e. between Verna to Nuvem via Agnel Ashram.”

3. In reply, the Respondent by letter dated 11.07.2008 requested the Appellant to deposit an amount of Rs. 1500/- towards the cost of supply of documents. The Appellant in pursuance to the letter dated 11.07.2008 made a payment of Rs. 1500/- on 16.07.2008 and on the same day the Respondent informed him that as the information asked is of five years duration, more time of twenty five days is required to provide the same and accordingly, the Public Information Officer - Respondent No. 1 on 30.07.2008 provided the information sought. Not satisfied with the information provided the Appellant moved the First Appellate Authority on 11.08.2008 and by order dated 16.09.2008 the first appeal was disposed off with the observation that the required information sought was given from whatever records available by the Respondent No. 1 to the Appellant. This is the Impugned Order.

4. Shri Prabhu submitted that the information which he has asked on 12.06.2008 was provided only on 25.06.2009 after the Second Appeal was filed and one year was wasted and without any reasons the Public Information Officer delayed the information which was specific and that information was provided in parts and the delay was due to the negligence on the part of the Public Information Officer to provide the information and caused harassment to the Appellant. Smt. Narvekar argued that the Respondents gave the information whatever was available and when more files were located the information was given accordingly and that there was no intentional delay in providing the information.

5. I have gone through the records of the proceedings of the case and the submissions of both the parties. When information was sought on 12.06.2008 the Respondent on 16.07.2008 sought time of twenty-five days more to provide the information and thereafter on 30.07.2008 and 31.07.2008 provided the information, which according to the Appellant was incomplete. After the First Appeal was filed, the Respondent on 12.08.2008 provided further information to the request of the Appellant dated 12.06.2008 and finally on 25.06.2009 the Respondent provided the remaining information sought after the Second Appeal was filed.

6. The contention of the Appellant is that though the information was provided to the Appellant the same was given in bits and there was inordinate delay due to which the Appellant was put to inconvenience. The records indicate that the information, which was sought on 12.06.2008 the Appellant was called on 11.07.2008 to collect the documents on payment of required fees. Though the payment was made by the Appellant on 16.07.2008 it appears that the documents were not ready and the Respondent sought more twenty five days to provide the information. Even with this information, which was provided on 30th and 31st July 2008 the Appellant was not satisfied. Subsequently, part of the information was provided after the First Appeal was filed and last installment was provided during the pendency of the Second Appeal. The contention of the Respondent No. 1 is that the information sought is of the long stretch of NH17 and was difficult to trace the files and whenever the files were available the information was provided. No doubt that the information sought was provided in parts but there is nothing on record to substantiate the fact that the files were not available and after obtaining whatever files available the information was provided.

7. In view of the rival contentions adjudication on the question of delay is required and since the Respondent No. 1 has to justify the delay in providing the information sought, a show cause notice will have to be issued to the Respondent No. 1 to reply on the question of delay in providing the information. Hence, the following order:

ORDER

The appeal is partly allowed. A show cause notice be issued to the Respondent No. 1 as to why penalty should not be imposed on him. The Respondent No. 1 to file the reply on 25.09.2009.

Pronounced in the open court on this 03rd day of September 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner