

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 234/SCIC/2008

Shri Surendra Furtado,
Timotio Bldg., 1st Floor.
Next to Navhind Times,
Panaji - Goa

..... Appellant.

V/s.

1. The Public Information Officer,
Corporation of the City of Panaji,
Panaji - Goa

..... Respondent No. 1

2. The First Appellate Authority,
The Director,
Directorate of Municipal Administration,
Panaji - Goa

..... Respondent No. 2.

Appellant in person.
Respondent absent.

J U D G M E N T

(Per Afonso Araujo)

Denial of information sought by way of deemed refusal as well as by non-complying with the order of the First Appellate Authority by the Public Information Officer, is the issue to be dealt in this Second Appeal.

2. The Appellant on 29.08.2008 addressed a letter to the Assistant Public Information Officer, Corporation of the City of Panaji (for short 'CCP') and sought the following information:

- (1) Copy of the Agreement entered by the CCP with the Sopa collector in the CCP market for the last four years
- (2) Detailed copies of the monthly receipts deposited by the Sopa collector in the CCP Account and in which bank the same amount was deposited by the CCP.

As the Appellant did not obtain the information sought from the Respondent No. 1 moved the First Appellate Authority who by order dated 17.11.2008 directed the Respondent to provide the information within ten days from the date of the order. The Respondent did not comply with this order which led the Appellant to prefer this Second Appeal.

...2/-

3. Shri Furtado submitted that the information sought on 29.08.2008 the Respondent failed to provide and even failed to comply the orders of the First Appellate Authority and provide the information within ten days and that the Respondent be directed to furnish the information and that maximum penalty of Rs. 25,000/- be imposed on the Public Information Officer, disciplinary proceedings to be considered against the Public Information Officer and compensation be granted to the Appellant for harassment.

4. I have gone through the records of the case and submissions of the Appellant. The Appellant approached the Assistant Public Information Officer of the CCP on 29.08.2008 and as per the mandate of the provisions of the RTI Act the Assistant Public Information Officer has to forward this request for information to the Public Information Officer within a period of five days. The Respondent No. 2 considering the five days period of the Assistant Public Information Officer to forward the information to him, has to provide the information sought within a period of total thirty five days. The Respondent No. 1 failed to provide the information sought within this stipulated period by the RTI Act and it amounts to deemed refusal of the information sought. The Appellant moved the First Appellate Authority due to the deemed refusal of the information and by order dated 17.11.2008 the First Appellate Authority directed the Respondent No. 1 to provide the information to the request of the Appellant dated 29.08.2008 within a period of ten days. Again, the Respondent No. 1 failed to comply with the direction of the First Appellate Authority. Due to the deemed refusal, the Appellant was deprived of the information sought and even by not complying with the order of the First Appellate Authority the Respondent No. 1 continued to deny the information sought to the Appellant and there is nothing on record to justify the denial by the Respondent No. 1. Before dealing with the imposition of penalties, it would be proper that the Respondent is directed to provide the information sought. Hence, the following order:

...3/-

ORDER

The appeal is allowed. The Respondent No. 1 to provide the information sought in the request dated 29.08.2008 within a period of twenty days from the receipt of this order. The Respondent No. 1 to report compliance on 27.10.2009.

Pronounced in the open court on this 24th day of September 2009.

**Sd/-
(Afonso Araujo)
State Information Commissioner**

