

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 238/SCIC/2008

Shri Surendra Furtado
Timotio Building, 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 No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

The information sought under the RTI Act, 2005 denied by deemed refusal and also by non-complying with the order of the First Appellate Authority, are the grievances in this Second Appeal.

2. The Appellant on 22.08.2008 sought information on 5 points and which pertains to the Agreement executed in respect of pay parking in the basement of the new market complex, Panaji. The Public Information Officer – Respondent No. 1 did not provide the information within the period of 30 days and being deemed refusal the Appellant preferred First Appeal on 23.10.2008 and by order dated 17.11.2008 the First Appellate Authority directed the Respondent No. 1 to furnish the information within the period of 7 days. As this order was not complied, the Second Appeal was preferred to which the Respondent No. 1 filed reply on 01.04.2009 stating that on account of compelling circumstances the information could not be provided within the stipulated time and

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that on 12.01.2009 the information was provided to the Appellant.

3. Shri Furtado submitted that to his request dated 22.08.2008 no information was provided within the period of thirty days and that the order of the First Appellate Authority also was not complied and the Second Appeal was preferred on 22.11.2008 and the information was provided on 12.01.2009 and there was a delay and that maximum penalty of Rs. 25,000/- be imposed on Public Information Officer; disciplinary proceedings be started against him and compensation may be granted to the Appellant.

4. I have gone through the records of the case and taken into consideration the submissions of the Appellant. The request for information sought by the Appellant on 22.08.2008 the Respondent provided the information within the period of 30 days. Failure to do so amounts to deemed refusal of the information sought. As the Appellant was not provided the information due to deemed refusal, the First Appeal was preferred and the First Appellate Authority by order dated 17.11.2008 directed the Respondent to furnish the information within the period of 7 days. Again the Respondent No. 1 did not provide the information within the prescribed time limit ordered by the First Appellate Authority and the Appellant preferred the Second Appeal on 28.11.2008. On 12.01.2009 the Respondent provided the information to the letter dated 22.08.2008. On perusing the reply of the Respondent it meets the requirements sought by the Appellant in his letter dated 22.08.2008 and the question remains on the delay by the Respondent to provide the information to the Appellant.

5. To the request for information of the Appellant dated 22.08.2008, the Respondent neither provided the information within the period of 30 days nor the Respondent complied with the order of the First Appellate Authority dated 17.11.2008 directing

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the Respondent to provide the information within the period of 7 days, and it was only on 12.01.2009 that the information was provided and that too after the Second Appeal was preferred.

6. Since the information provided by the Respondent No. 1 in the letter dated 12.01.2009 meets the requirements to the Appellant's request in the letter dated 22.08.2008 and there is nothing on record to justify the delay, a show cause notice is required to be issued to the Public Information Officer, Shri Melvyn Vaz. Hence, the following order:

ORDER

The Appeal is partly allowed. Show cause notice to be issued to the Public Information Officer, Shri Melvyn Vaz as to why penalty should not be imposed and disciplinary proceedings should not be recommended and to file the reply on 27.10.2009.

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

Sd/-
(Afonso Araujo)
State Information Commissioner