

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 81/2008

Mrs. I. P. Rodrigues,
Vihar Building, H. No. 13/195,
Opp. St. Inez Church, St. Inez,
Panaji - Goa.

... Complainant.

V/s.
Mr. K. R. Shrikant,
Office of the Executive Engineer,
Government of Goa,
Works Division III (PHE),
P.W.D., St. Inez,
Panaji – Goa

...Opponent.

Complainant in person.

Dated: 30.09.2009

ORDER

(Per Afonso Araujo)

In this complaint, on the basis that wrong information was provided, the Complainant seeks imposition of penalties on the Public Information Officer.

2. The Complainant on 1st January 2009 sought the information under the RTI Act from the Opponent and required the date of installation and consumer Code No. and water connection of Eden Rock Bar & Restaurant, at H. No. 13/177/7, Eden Rock Building, Ground Floor, Tamba Colony, Opp. Thakur's garage owned by Mr. Rosario De Costa. The Opponent in communication dated 21.01.2009 provided the following information :

"1.	Date of Installation	--	23/09/1985
2.	Consumer Code No.	--	PJE040362
3.	Category	--	Commercial
4.	Meter Size	--	1"

Copy of the latest consumption bill dt. 06/01/09 is enclosed herewith."

...2/-

Subsequently, on 10.02.2009 the Opponent addressed a letter stating that the communication given to Eden Bar & Restaurant is in the name of Isidorio De Costa and not in the name of Rosario De Costa. On 26.03.2009 the Complainant approached this Commission with a complaint stating that the Opponent gave wrong information that the water connection of Isidorio De Costa when the Complainant required the information regarding water connection in the name of Rosario De Costa.

3. Smt. Rodrigues submitted that the information sought on 01.01.2009 was given on 21.01.2009 and that of one Isidorio De Costa and not Rosario De Costa and that no address has been mentioned and that this connection is for residence on 2nd floor and on 10.02.2009 clarification was given stating that there is no connection in the name of Rosario De Costa but in the name of Isidorio De Costa and that by order of Food & Drugs Controller dated 11.02.2009 license was suspended as there was no proper water connection and the reply given by the Public Information Officer is irrelevant and not in respect of information sought and penalty may be imposed for giving wrong information. Shri Shrikant contended that there is only one water connection existing under commercial use in the name of Isidorio De Costa right from 1985 and that Rosario De Costa is his son and that the PWD is concerned with connection upto water meter and not with the internal connection of water and that the orders of the Food & Drugs Controller is in respect of internal connection of water in the Bar & Restaurant.

3. I have gone through the records and proceedings of the case and taken into consideration submissions of both the parties. The information sought is in

respect of water connection to Eden Rock Bar & Restaurant, H. No. 13/177/7 owned by one Rosario De Costa and the Complainant requires date of installation and consumer Code No.; whether it is commercial or domestic, size and requires certified copy of the latest consumer bill. As the consumer bill provided to the Complainant indicates the name of Isidorio De Costa and not of Rosario De Costa, the Complainant approached the Opponent for clarification orally and by letter dated 10.02.2009 the Opponent stated that the connection given to Eden Rock Bar & Restaurant is in the name of Isidorio De Costa and not in the name of Rosario De Costa. On account of this reply the Complainant contends that it is a wrong information provided by the Opponent and required imposition of penalties on him.

4. From the copy of water bill it indicates that the details regarding water connection at item 1 to 4 of the letter of the Opponent dated 21.01.2009, is in the name of Isidorio De Costa and not of Rosario De Costa. The Complainant approached the Opponent for clarification on the issue that the Complainant required information regarding water connection of Rosario De Costa and what was provided is the information regarding water connection in the name of Isidorio De Costa. The Opponent clarified stating that there is no connection in the name of Rosario De Costa but in the name of Isidorio De Costa. It appears that the Opponent provided this information in the letter dated 21.01.2009 on the basis that there is only one water connection to the premises owned by Isidorio De Costa and installed way back in 1985 and the connection was specified as commercial and Rosario De Costa is the son of Isidorio De Costa and the premises were allotted to him in the inventory proceedings. Whether the water bill refers to the water connection of Isidorio De Costa existing on 2nd Floor and not to the Eden Rock Bar & Restaurant situated on the ground floor is not relevant at this juncture but at the time of dealing with the

imposition of penalties. No doubt that the responsibility of the PWD, Water Division is to provide water connection upto the water meter of the premises and the internal arrangements for placing the pipes and taps is the concern of the owner, but the Opponent, to the specific request of Complainant has to specifically provide the information in respect of water connection of H. No. 13/177/7.

5. The purpose of Information Act is to provide information promptly to citizen and the question of penalties arises only in cases envisaged u/s. 20 of the RTI Act. The request of the Complainant dated 01.01.2009 was provided by the Opponent by letter dated 21.01.2009 and subsequently clarified by letter dated 10.02.2009. In this complaint the prayer of the Complainant is only imposition of the penalties for the wrong information. From the information provided in the letter dated 21.01.2009 and 10.02.2009 it can be gathered that the Opponent has not specifically answered the information required for which an opportunity to be given to the Public Information Officer to provide information before dealing with the question of penalty.

6. Since the information required by the Complainant was specific the Opponent ought to have given a specific reply to this information, more so, when the Complainant has specifically mentioned the H. No. 13/177/7. The Opponent to provide the information sought in the request dated 01.01.2009 within the period of ten days from the receipt of this order and report compliance on 21.10.2009.

Sd/-
(Afonso Araujo)
State Information Commissioner