

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No. 54/2008

Shri Rajesh V. Kamat,  
H. No. E-74, Near Sati Temple,  
Bhatlem, Panaji - Goa.

..... Complainant.

V/s.

- 1) Public Information Officer,  
Office of the Collector,  
North Goa District,  
Panaji - Goa.
- 2) Asst. Public Information Officer,  
The Dy. Collector (Rev.),  
Office of the Collector,  
North Goa District,  
Revenue Branch, Panaji - Goa.

..... Opponents.

Complainant alongwith Adv. Ranjit Satardekar present.

Opponent No. 1 in person.

## **ORDER**

This Complaint deals with the delay and incomplete information provided by the Public Information Officer.

2. The Complainant on 22/10/2008 sought the information under Right to Information Act, 2005 (for short the RTI Act) from the office of the Collector, North Goa District, Panaji. This information in respect of proposed land acquisition for winding ODP road and construction of new road at Bhatulem, Panaji. The Asst. Public Information Officer – Dy. Collector (Revenue) – Opponent No. 2 in his communication dated 16/12/2008 provided the information at points 1, 2 and 3 to the request of the Appellant dated 22/10/2008. As there was a delay of 26 days in providing the information as well as the information was incomplete, the present Complaint.

...2/-

3. Shri Satardekar, learned Advocate appearing for the Complainant submitted that the Complaint was filed on two grounds (i) a copies were not furnished within time and there was delay of 26 days and (ii) information was partly furnished and incomplete. The information sought on 22/10/2008 should have been provided by 22/11/2008 and as the letter dated 16/12/2008 was received by the Appellant only on 20/12/2008, there is a delay and that the information has been suppressed at point No. 2. Shri Sawant stated that the information should have been obtained from the North Goa Planning Development and Authority and there was a delay and there is no question of suppressing any information that the minutes of the meeting were provided.

4. I have gone through the records of the case and submission of both the parties. The information sought at point No. 1 is whether the proposal for acquiring the land recommended by the Collector has been scrutinized in the terms of Circular No. 22/17/2001-RT(LA) dated 07/04/2003 of Revenue Department and has been complied by the acquiring department i.e. North Goa Planning Development Authority, Panaji. The Opponent No. 2 replied in the affirmative. At point No. 2 the information sought is "if the answer to (1) is 'no' to inform the points which are not complied by the acquiring department and office of the Collector, North Goa District". Once the Opponent No. 2 has answered the point No. 1 in affirmative, there is no question of answering point No. 2 since the answer to point No. 2 will be required only in case the answer is in the negative to the point No. 1 and as such in no manner the information provided at point No. 2 by the Opponent No. 2 can be consider as incomplete.

5. On the question of delay, the information sought on 22/10/2008 was provided by the Opponents by letter dated 16/12/2008 which was received by the Complainant on 20/12/2008. As per mandatory provision of section 7(1) of the RTI Act, the information sought has to be provided as expeditiously as possible and at the most within 30 days from the day of the information sought. The Opponents to the request dated 22/10/2008 should have provided the information by 22/11/2008. The records indicate that there was a delay in providing the information. The contention of the Opponents is that the Public Information Officer had to get the information from the PDA and in the process there was a delay for which the Opponents required to explain the delay. Hence, the show cause notice to be issued and the Opponent No. 1 and 2 to file the reply on 18/11/2009.

Pronounced in the open court on this 22<sup>nd</sup> day of October, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



