

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No. 109/SCIC/2009

Mr. Suresh V. Parsekar,
R/o H. No. 1073/2, Madhlamaj,
Mandrem, Pernem – Goa 403 527.

..... Appellant.

V/s.

1. Public Information Officer,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.
2. First Appellate Authority,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.

..... Respondents.

Appellant alongwith Kashinath Shetye present.

Respondent No. 1 in person

Shri Mandar Shirodkar on behalf of Respondent No. 2.

J U D G E M E N T **(30-12-2009)**

1. The Appellant, Suresh V. Parsekar, has preferred this Second Appeal praying for a direction to furnish information, for penalty and for compensation.

2. The brief facts leading to this Appeal is that the Appellant by his letter dated 09/09/2009 sought some information as mentioned in the application, under Right to Information Act, 2005 ('RTI' for short). The information was in the form of six queries in connection with plots, applications etc. After considering the application, the Public Information Officer ('P.I.O.' for short) by his letter dated 29/09/2009 informed the Appellant that the information sought does not fall within the definition of Right to Information Act, 2005. The Appellant, thereafter, preferred a

...2/-

First Appeal before First Appellate Authority/Respondent No. 2. That the First Appellate Authority/Respondent No. 2 passed the Order without even hearing the Appellant.

Being aggrieved by the said Order, the Appellant has preferred this appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the appeal and their say is on the record. It is the case of the Respondent No. 1 that the information sought by the Appellant does not fall under the definition of information under the RTI Act. It is also their case that Respondent No. 2 has upheld the contention of Respondent No. 1/P.I.O.

4. Heard Shri Kashinath Shetye on behalf of the Appellant and Shri Mandar Shirodkar on behalf of the Respondent No. 2.

I have carefully gone through the records of the case, considered the arguments advanced and also considered the orders passed. It is seen that information asked is regarding number of applications, names and address of the applicants, number of plots etc. According to P.I.O. the information sought does not fall within the definition of section 2 of the RTI Act. Exhibit D is the Order of the First Appellate Authority as produced by the Appellant. The same mentions that both the parties were heard and order was passed directing the Appellant to go through the files for selecting information or seek information as available with the Corporation. It is not known as to whether inspection was taken or not.

It is pertinent to note section 2(f) of the RTI Act which is as under: -

“2(f) “Information” means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held, in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”

The word ‘any material in any form’ would mean any material concerning of the affairs of the Public Authority such as decision, action, plan or schedule, copy of any part of the file, copy of relevant correspondence etc. From the scheme of the Act and perusal of the objects and reasons for enacting RTI Act it is apparent that Government desires to establish a practical regime of right to information of citizens to have access to information under the control of public authorities.

5. During the course of the arguments, Respondents state that information sought is with various departments. The Respondents also stated that Appellant can take inspection of the relevant files from the concerned departments and point out what he wants. However, this is not acceptable to the Appellant. Infact, order of First Appellate Authority was also to this effect. In any case Respondents stated that they will furnish whatever information available with them. The Appellant is agreeable to this suggestion.

6. It transpires that required information is with Dy. General Manager (Admn.)/A.P.I.O. who is looking after Estate Division and also allotment of plots. Dy. General Manager (Admn.) to co-operate in giving files/information to the concerned.

7. Coming to the aspect of penalty the same does not arise as P.I.O. as well as First Appellate Authority disposed the application and appeal in time as can be seen from records. It is also a fact that some time has been consumed in the process, therefore, the ends of justice would be met if the information is provided free of cost in terms of section 7(6) of the R.T.I. Act.

8. In view of all the above, I pass the following order: -

ORDER

Respondents to furnish the information as requested by the Appellant within 20 days from the date of receipt of the order.

This information be given free of cost.

Pronounced on this 30th day of December, 2009.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

