

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 64/SCIC/2009

Shri Kashinath Shetye,
R/o Bambino Building,
Alto Fondvem, Raibandar,
Tiswadi – Goa and 6 Ors.

..... Complainant.

V/s.

1. Public Information Officer,
Assistant Director of Transport
(Enforcement North),
Department of Transport,
Junta House, Panaji - Goa.
2. Deemed Public Information Officer,
Director of Transport,
Department of Transport,
Junta House, Panaji - Goa.

..... Respondents.

Complainant in person.

Adv. Smt. Harsha Naik on behalf of the Respondents.

ORDER **(13-01-2010)**

1. This is a Complaint filed by Shri Kashinath Shetye and six others praying that the information be furnished correctly; penalty be imposed on the Public Information Officer and compensation be granted.
2. The facts leading to the present Complaint are as under: - That the Complainant has filed a Complaint and an application dated 24/07/2009, under Right to Information Act, 2005 ('RTI' Act for short) requesting for certain information. That the Public Information Officer/Opponent No. 1 failed to furnish the required information as per the application of the Complainant and did not even request information regarding the Complaint with Director of Transport as per section 5(4), 5(5). Since incomplete information was furnished the Complainant preferred this Complaint on various grounds which are fully set out in the Complaint.

...2/-

3. The Respondents resist the application and their say is on record. It is the case of the Respondent No. 1 that this Commission has no jurisdiction to entertain the present Complaint. That the application does not come within the purview of the RTI Act. That no First Appeal was filed. On merits it is the case of this Respondent that the information sought is not available with them and whatever was available was furnished to them by reply/letter dated 07/08/2009. It is also their case that the Complainants ought to have sought the information directly from the Income Tax Department as the same relates to the Income Tax Department.

4. Heard the Complainant Shri K. Shetye and Adv. Smt. Harsha Naik for Respondent No. 1.

According to the Complainant, correct information ought to have been given. Adv. for Respondents submitted that whatever information was available was given. She also advanced arguments in similar vein as mentioned in the reply.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that information was sought by letter dated 24/07/2009. By reply dated 04/08/2009 the same was furnished. Reply was within time. All the eight questions have been answered. It is seen from the records that information pertained to Income Tax Department and whatever information Respondents had has been furnished. The rule of law now crystalised by various rulings is that the information held is to be provided and Commission's jurisdiction can go no further than only

directing that information in the form held be provided. I do agree with the Advocate for the Respondent No. 1 on this count.

In any case looking at the reply given and the material on record, I feel that Complainants have received the information in time. I do not find any willful irregularity nor any delay.

6. In view of the fact that the information requested has been furnished, this Commission feels that no further intervention is warranted on the Complaint. The Complaint is accordingly disposed off.

Pronounced at Panaji on this 13th day of January, 2010.

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

