

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 315/SCIC/2008

Engr. Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, St. Cruz,
Tiswadi – Goa

... Appellant.

V/s.

- 1) The Public Information Officer,
Superintending Engineer,
Electricity Circle (S), Electricity Department,
Vidyut Bhavan, Margao,
Salcete – Goa ... Respondent No. 1.
- 2) The State Public Information Officer,
Executive Engineer (Plg.),
O/o. the Chief Electrical Engineer.
Electricity Department, Vidyut Bhavan,
Panaji – Goa ... Respondent No. 2

Appellant in person.

Respondent No. 1 in person.

Shri Kashinath Shetye, authorized representative for Respondent No.2.

JUDGMENT

(Per Afonso Araujo)

In this Appeal the grievance of the Appellant is that the information was not provided within the period of thirty days and on account of deemed refusal, requires the information free of cost.

2. The Appellant sought information under the Right to Information Act, 2005 (for short, The RTI Act) and which is enumerated in the request dated 22.07.2008. On the same day the Respondent No. 1 transferred the information sought to the Public Information Officer, Superintending Engineer, (Commercial) with intimation to the Appellant. This transfer was received by the Respondent No. 2 on 24.07.2008 and by letter dated 20.08.2008

...2/-

informed the Appellant that the desired information containing 552 pages is made available and to collect the same on payment of Rs. 1104/-. The Appellant instead of collecting the information, preferred First Appeal on the ground that the information was not provided within thirty days and the same to be provided to him free of cost. The First Appellant Authority by order dated 04.12.2008 rejected the contention of the Appellant and dismissed the Appeal.

3. The grievance of the Appellant in the Second Appeal continues to be the same that is, the information was not provided within thirty days and requires the same free of cost. The records indicate that information which was sought on 22.07.2008, on the same day it was transferred and received by the Respondent No. 2 on 24.07.2008 and under the Certificate of Posting the Appellant was informed about this transfer. Taking into consideration the period of thirty days Respondent No. 1 ought to have provided the information to the Appellant by 23.08.2008. However, on 20.08.2008 the Respondent No. 1 informed the Appellant that the information containing 552 pages is ready and he has to collect it by paying an amount of Rs. 1104/-. The contention of the Appellant is that the letter dated 20.08.2008 was received by him beyond the period of thirty days. But from the Registered AD of the Department of Posts indicates that the letter dated 20.08.2008 was posted by the Respondent No. 1 on 21.08.2008 and received by the Appellant on 29.08.2008. For all purposes the letter dated 20.08.2008 calling the Appellant to pay the fees and collect the information was posted within the period of thirty days and though the Appellant received the said letter on 29.08.2008, there does not appear to be any delay due to the deemed refusal in not providing the information within thirty days and as such the Appellant is not entitled for the information free of cost. There are no reasons to interfere with the order of the First

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Appellate Authority. Needless to say that the Appellant to collect the information provided on payment of necessary fees and proceed in accordance with law. With these observations, the Appeal is disposed off.

Pronounced on this 14th day of January 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

