

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 114/2009

Shri Govind G. Manjrekar,
H. No. 85, Near Gomateshwar Temple,
Sasmollem, Baina, Vasco – Goa.

..... Complainant.

V/s.

1. The Chief Electoral Officer,
Altinho, Panaji - Goa.
2. The Mamlatdar of Mormugao,
Vasco Da Gama – Goa.

..... Opponents.

Complainant in person.

Opponent No. 1 absent.

Opponent No. 2 present in person.

ORDER **(22-03-2010)**

1. The Complainant, Govind Gajanan Manjrekar has preferred this Complaint praying for initiating inquiry against Opponent No. 2; for direction to provide information; for penalty under section 20(1) and also for disciplinary proceedings under section 20(2) of the Right to Information Act.

2. The facts leading to the present Complaint are as under: -

By letter dated 04/11/2009, the Complainant has sought certain information under Right to Information Act, 2005 ('RTI' Act for short). That the Asst. Chief Electoral Officer vide office letter No. 2-4-2005/ELEC/3201 dated 6/11/2009 forwarded the said Application to the Mamlatdar of Mormugao, Vasco to collect the information. That the said Mamlatdar refused to supply the information on the ground that the said information does not come within the purview of the term 'information' under RTI Act

...2/-

and that D. C. Bills have been submitted to higher authorities. It is the case of the Complainant that the information sought is available with both the Opponents. That the acts of Opponent amount to refusal of information. Hence, the present Complaint.

3. The Opponents resist the Complaint and say/reply of the Opponent No. 2 is on record. It is the case of Opponent No. 2 that on 16/11/2009 he immediately gave reply to the request of the Complainant. That Complainant's application has been forwarded to Asst. Chief Electoral Officer, Altinho, Panaji. That no First Appeal preferred. According to Opponent No. 2, Complaint is liable to be dismissed.

4. Heard Complainant and Opponents in person and perused the records. Application seeking information is submitted on 4/11/2009 to Opponent No. 1. The same was forwarded to Opponent No. 2 by letter dated 6/11/2009. The Opponent No. 2 sent the reply to the Complainant by letter dated 16/11/2009. All this appears to be in time. On the factual back drop of this case First Appeal ought to have been preferred. However, it is also a fact that D. C. Bills were not furnished. In any case during the course of his arguments the Opponent No. 1 states that information is now ready. However, the Complainant did not collect though he was telephonically informed that he should pay fees and collect the same. Complainant does not admit of telephone message. Apparently there is no much delay though there is slight delay.

Considering the factual back drop of this case as well as the fact that there is slight delay of few days I do not feel it necessary to invoke the provisions of section 20(1) and 20(2) of the RTI Act. Considering the fact that there is slight and/or negligible delay the ends of justice would

meet if information is provided free of cost to the Complainant.

5. In view of the above, I pass the following Order: -

The Opponent No. 1 to furnish the information to the Complainant within EIGHT DAYS (8 days) from the receipt of this Order, free of cost under section 7(6) of RTI Act. No further intervention is required. The Complaint is accordingly disposed off.

Pronounced in the Commission on this 22nd day of March, 2010.

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

