

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 102/2009

Shri Kamu Mahadev Tari,  
H. No. 728, Khandir, Karai,  
Shiroda, Ponda – Goa.

..... Complainant.

V/s.

Public Information Officer,  
The Executive Engineer,  
Public Works Department,  
Division XVIII (Roads),  
Ponda – Goa.

..... Opponent/Respondent.

Complainant in person. Adv. Bhupesh Prabhudessai on behalf of  
Complainant present.

Adv. Mrs. Harsha Naik for Opponent.

## **ORDER** **(26-03-2010)**

1. The Complainant, Shri Kamu Mahadev Tari, has filed the present Complaint praying that the Respondent be penalized for his wrong deed of not providing the information to the Complainant and that the Respondent be directed to provide the information sought by the Complainant.

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

That the Complainant vide his letter dated 26/10/2009 applied for certain information under Right to Information Act, 2005 ('RTI' Act for short). That the Complainant did not receive any intimation or the information sought from the Respondent within the time limit specified under the Act. It is the case of the Complainant that the Respondent has failed and/or neglected to provide the information sought by the Complainant and is liable for penalty.

3. Respondent resist the Complaint and their say is on record. It is the case of the Respondent that the Complainant was asked telephonically to

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collect the information from the office of the Respondent, however, Complainant failed to collect the same inspite of several oral requests. It is further the case of the Respondent that the information sought has been furnished by letter dated 15/01/2010. Regarding delay it is stated that the same is not intentional but due to reason that the office of the Respondent was busy with Assembly Session including the Respondent at the relevant time. That Complainant has not preferred any appeal before the First Appellate Authority. According to the Respondent the Complaint is liable to be dismissed.

4. Heard the arguments. The learned Adv. Shri Bhupesh Prabhudessai appeared on behalf of the Complainant and the learned Adv. Smt. Harsha Naik appeared on behalf of Opponent/Respondent.

According to the Advocate for Complainant the information was not given in time and there is much delay. That the same is given only now that is in January, 2010.

5. During the course of her arguments the learned Advocate for Opponent/Respondent submitted that information is furnished. According to her there is some delay but the same is due to Assembly Session as staff including Respondent was busy. According to her, there is no malafide intention.

6. I have carefully gone through the records of the case and considered the arguments advanced by the learned Advocates of the parties. The point that arises for my consideration is whether information is furnished and whether there is delay in furnishing the information.

It is seen that Application seeking information was made on

26/10/2009. However, information was not given within 30 days. The Complaint was filed on 30/11/2009. The information was given only after filing the Complaint and that is on 15/01/2010. I do agree that information has now been given. There is no dispute on this part and Appellant also has no grievance.

7. It is pertinent to note that RTI Act, in general, is the time bound programme between the Administration and the citizen requesting information and every step will have to be completed within the time schedule prescribed for presentation of request and disposal of the same, presentation of First Appeal and disposal by First Appellate Authority.

Admittedly, there is delay as mentioned above. it is said "Delays have dangerous ends". More so in RTI matters where it is a time bound programme.

8. In view of all the above, it appears that information is given though belatedly. Therefore, no further intervention of this Commission in so far as information is concerned, is required.

There is delay and since there is delay the Opponent/Respondent is to be heard on the same. Issue notice under section 20(1) of the RTI Act to the Opponent/P.I.O. why penal action should not be taken against him for causing delay for furnishing information. The explanation, if any, should reach the Commission on or before 9/4/2010 at 10.30 a. m. Public Information Officer shall appear for personal hearing on that day.

Pronounced in the Commission on this 26<sup>th</sup> day of March, 2010.

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



