

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 297/2008

Shri Kashinath Shetye,
R/o Bambino Building,
Alto Fondvem, Ribandar,
Tiswadi – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Hydrographic Surveyor,
Captain of Ports,
Panaji - Goa.
2. First Appellate Authority,
Captain of Ports,
Panaji - Goa.

..... Respondents.

Appellant in person.

Respondent No. 1 in person.

Adv. Shri N. Dias for Respondent No. 1.

Shri Jose Fernandes, authorized representative on behalf of Respondent
No. 2.

J U D G E M E N T **(12-04-2010)**

1. The Appellant, Shri Kashinath Shetye, has preferred this Second Appeal praying that information as requested by the Appellant be furnished to him free of cost as per section 7(6); that penalty be imposed on Public Information Officer/First Appellate Authority for delay of 20 days and that compensation may be given for harassment and detriment caused to the Appellant.

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

That the Appellant had filed an application dated 3/10/2008 under the Right to Information Act, 2005 ('RTI' Act for short) for issuing certain information. That the said information was not furnished and considering

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the said refusal of information on behalf of Respondent No. 1, the Appellant preferred the First Appeal before the Respondent No. 2. It is the case of the Appellant that Public Information Officer failed to furnish the required information and Respondent No. 2/First Appellate Authority need not send a notice nor passed the order till date. Being aggrieved, the Appellant preferred the present Appeal on the ground as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and the reply is on record. It is the case of the Respondent No. 1 that information was furnished vide letter No. A-11060/(163)/3313 dated 05/11/2008 and Respondent No. 2 vide their notice/letter No. A-11064/11/2008-09/3430 dated 28/11/2008 issued the said notice requesting/intimating that the Appeal has been admitted and date and time and place of hearing fixed i.e. 11/12/2008 at 11.30 a.m. in the chamber of First Appellate Authority. It is further the case of the Respondent that the Appellant failed and neglected to appear and that the First Appellate Authority passed the Order in short, according to the Respondent all the information available was furnished and Appellant was called upon to take the copies on payment of necessary fees, which the Appellant failed to do so.

4. Heard the arguments. The Appellant argued in person and Respondent No. 1 also argued in person. Both sides advanced submission on similar vein as mentioned in the Memo of Appeal as well as reply.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the information is furnished and the same is in time.

It is seen that the application seeking information was made on 03/10/2008. Inspection of files was also sought. It is seen that by letter dated 05/11/2008 information was furnished and certain documents were kept ready and Appellant was requested to collect the same on payment of necessary fees. It is seen that on 13/11/2008, the Appellant preferred First Appeal. On the day fixed i.e. 11/12/2008, the Appellant was absent and the order was passed by the First Appellate Authority thereby closing the proceedings for non-prosecution. On 23/02/2009, the present Second Appeal was filed.

It appears that information is kept ready and by letter dated 05/11/2008 the information except copies of the documents are furnished. It is seen that the request for information is dated 03/10/2008 and information furnished by letter dated 05/11/2008. Apparently, there is negligible delay hardly of one or two days and the same could be very well overlooked. Looking at the material on record, it appears that the Appellant did not collect the information nor took inspection. Again there is another letter dated 19/3/2010 addressed to the Appellant asking to pay the amount and collect the information. It appears neither inspection nor information were availed off.

6. During the hearing, the Appellant contends that he will collect the information and that he has no grievance of any sort.

It is pertinent to note that RTI Act is a people friendly and people user Act and therefore, the information be kept ready and handed over to the Appellant as and when he comes on payment of required fees.

7. It is seen that the First Appellate Authority closed the proceedings

for non-prosecution of the Appeal. The same could have been disposed off on merits even in the absence of the Appellant since the same was concerning about the information.

8. In the view of all above, no intervention of this Commission is required and hence, I pass the following Order: -

ORDER

No intervention of this Commission is required. The Respondent No. 1 to furnish the information sought to the Appellant on payment of required fees by the Appellant.

Pronounced in the Commission on this 12th day of April, 2010.

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

