

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 298/2008

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) requesting for certain information. That the said information was not furnished and

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considering 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 no information was furnished nor his appeal was heard and decided. It is also the case of the Appellant that he went to collect the information which was not given to him as the Public Information Officer was not available. Being aggrieved by not complying provisions of the RTI Act, the Appellant preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and the reply of Respondent No. 1 is on record. It is the case of the Respondent No. 1 that request was promptly responded as the information sought thereby had been kept ready by the Respondent No. 1 to be provided and the Appellant was requested/intimated vide letter No.A-11060/(162)/3144 dated 24/10/2008 under certificate of posting to collect the same on payment of Rs.48/- being fees towards the said information. That the Appellant failed and neglected to contact or collect the information sought and therefore, there is no jurisdiction to Appeal before this Commission. It is also the case of the Respondent No. 1 that First Appellate Authority vide letter No. A-11064/10/2008-09/3431 dated 28/11/2008 informed the Appellant that Appeal has been admitted and also about date and time and hearing i.e. 11/12/2008 at 12.00 hrs. That the Appellant remained absent and that the Appeal was disposed off and that the proceedings were closed for non-prosecution. In short, it is the case of the Respondent No. 1 that information was kept ready, however, the Appellant failed to collect the same.

4. Heard the Appellant as well the Respondents and perused the records. The short point that falls for consideration is whether the information has been furnished in time.

It is seen that the application seeking information was made on 3/10/2008. The application consisted of about 12 points seeking some particulars, powers and duties etc. It is seen that by letter dated 22nd/24th October, 2008, the Respondent No. 1/Public Information Officer requested the Appellant to call on him so as to collect the information by effecting the payment of Rs.48/-. This reply was within 30 days. It appears that as per the record the Appellant did not avail of the same. Instead on 13/11/2008, preferred the First Appeal. It appears that First Appeal was posted for hearing on 11/12/2008 as per the proceedings. It appears that the Appellant was absent and the Order was passed by the First Appellate Authority thereby closing the proceedings for non-prosecution of the Appeal. On 23/2/2009, the present Second Appeal was filed. Considering the letter it appears that information was kept ready. Certain amount of fees was to be paid and the same was to be collected.

5. It is seen that the request for information is dated 3/10/2008 and letter calling for payment is dated 24/10/2008. Apparently, there is no delay. It appears that the Appellant did not collect the information. Again there is another letter dated 19/3/2010 addressed to the Appellant asking to pay the amount and collect the information.

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

