

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Penalty Case No. 10/2009  
In  
Appeal No. 196/2008**

Shri Jose Almeida,  
Marchon Building, 1<sup>st</sup> Floor,  
Margao – Goa

... Complainant.

V/s.

Public Information Officer,  
The Member Secretary,  
South Goa Planning & Development Authority,  
Oisa Complex,  
Margao – Goa

... Opponent.

Complainant absent.  
Shri V. Rodrigues for the Opponent.

**Penalty Case No. 11/2009  
In  
Appeal No. 197/2008**

Shri Jose Almeida,  
Marchon Building, 1<sup>st</sup> Floor,  
Margao – Goa

... Complainant.

V/s.

Public Information Officer,  
The Member Secretary,  
South Goa Planning & Development Authority,  
Oisa Complex,  
Margao – Goa

... Opponent.

Complainant absent.  
Shri V. Rodrigues for the Opponent.

Dated: 09.02.2010

**COMMON ORDER**

As the parties in the Penalty Case No. 10/2009 and Penalty Case No. 11/2009 are the same, these two proceedings are disposed by Common Order.

...2/-

2. In view of the Order of this Commission dated 21.09.2009 passed in Appeal No. 196/2008 and 197/2008 a show cause notice was issued to the Opponent to file the reply on the delay to provide information to the Complainant. The Opponent filed an affidavit in reply stating that due to unavoidable circumstances the file was misplaced and it was not possible to issue information within the statutory period.

3. It is not that in every case where there is a delay in providing the information under RTI Act, invariably penalty should be imposed. Unless the records indicate that delay in providing the information was intentional or deliberate then it attracts the provisions of section 20(1) of the RTI Act. The Opponent could not provide the information soon after it was sought as the relevant file was not in the records of the office and inspite of their efforts to locate the file No. SGPDA/M/P/1961, it was not traceable. The contention of the Opponent is that in 2005 jurisdiction of South Goa Planning and Development Authority, Margao (hereinafter referred as 'SGPDA) has been withdrawn and on that period all the files under process and those called for, were transferred to Town & Country Planning Department, Margao (hereinafter referred as 'TCP).

4. All along the Opponent was pursuing the file No. SGPDA/M/P/1961 and that too as of the Complainant, Jose Almeida since the Complainant in his initial application seeking information has shown that information sought is not concerning third party. But during the search of the relevant file it transpired that during the period the jurisdiction of SGPDA has been withdrawn and taken over by TCP, the file No. SGPDA/M/P/1961 was of Cynthia Rasquinha having new number TPM/MPTA/CONST/MARG/193/15 and 13702 and not of Jose Almeida, the Complainant.

5. Since there was a delay in locating the file on account of

change in number and the Opponent searched a file as that of the Complainant when in fact was of Cynthia Rasquinha, indicates that there was no intentional or deliberate delay in providing the information to the Complainant. Hence, there are no reasons to proceed further and the proceedings in Penalty Case No. 10/2009 and Penalty Case No. 11/2009 are closed.

Sd/-  
**(Afonso Araujo)**  
**State Information Commissioner**

