

# **GOA STATE INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 24/2006/DOT

Chairman,  
Usgao Vikas Seva Society Ltd.,  
Usgao - Goa.

..... Appellant.

V/s.

1. Asst. Director of Transport,  
Margao & Public Information Officer.
2. Director of Transport, Panaji &  
First Appellate Authority.

..... Respondents.

## **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

**Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)**

Dated : 21/09/2006.

Appellant in person.

Respondent No. 1 in person on his behalf and on the behalf of the  
Respondent No. 2.

## **ORDER**

The brief facts of the case are that the Appellant by his original application dated 22/12/2005 has asked the Respondent no. 1 who is the Public Information Officer to furnish to him action taken report on his earlier letter dated 3/5/2004 on the subject "illegal delivery of motor cycle by M/s. Samarth Automobile, Margao Goa". He has enclosed the Demand Draft of Rs.100/- as processing fee. As on 16/2/2006, he did not get any reply, he made first appeal before the Respondent No. 2. He followed it up by some more letters dated 29/6/2006. On 7/7/2006 he received the reply from the Respondent No. 2 that the information requested by the Appellant has already given by his office on 10/3/2006, a copy of which was enclosed. On 10/3/2006, the Respondent No. 2 enclosed another letter dated 8/3/2006 of the Respondent No. 1 stating that the reply has already been given to the Appellant. The letter dated 8/3/2006 of the Respondent No. 1

...2/-

mentions that "a Hero Honda motorcycle was delivered to Narayan S. Khandeparkar by M/s. Samarth Automobile through their dealer point by M/s. D.M.T. Automobile without registration on 19/4/2001 and that M/s. Samarth Automobiles has refunded Rs.45,000/- to the Appellant".

2. On the day fixed for final arguments while admitting the receipt of the Demand Draft of Rs.45,000/- and the reply from the Respondent No.1, the Appellant argued that firstly the information was delayed and that the penalty should be imposed on the Respondent No. 1 and secondly though the principal amount has been received by him, interest has not been paid to the Appellant and finally no action was taken against the illegal activities on delivering the motorcycle by a dealer without registration documents. The PIO submitted that the alleged irregularity was committed outside his jurisdiction, that only on his initiative principal amount was recovered and passed on to the Appellant and finally there was no delay in submission of information because the rules regarding the fee and procedure were framed by the Goa Government on 15<sup>th</sup> February, 2006 and that the information was given to him within 30 days from that date.

3. We have perused the papers and heard the arguments. It is true that the rules regarding the framing of fees and procedure were published on 15/2/2006 and hence we find that there is no delay in giving the information. Hence, we are not inclined to take up penalty proceedings under Section 20 of the Act. As to the action taken or proposed to be taken for the illegality committed by the dealer, there is no information given by either Respondent No. 1 or 2. While, this Commission cannot compel the Respondents to perform their legal duties, it has definitely got a duty to verify whether the information regarding action taken against the dealer who has committed such a grave irregularity is given to the appellant. We, therefore, direct the Respondent No. 2 to inform the Appellant within a period of 15 days as to what action is proposed to be taken by them against the dealer who had delivered the motorcycle without registration. With the above observations/directions, the case is closed. Parties to be informed.

Pronounced in open Court.

(A. Venkataratnam)  
State Chief Information Commissioner, GOA.

(G. G. Kambli)  
State Information Commissioner, GOA.

