

GOA INFORMATION COMMISSION

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

Appeal No: 89/2006.

Shri John Nazareth,
House No. 71,
Gauchem Bhatt,
Merces, Ilhas _ Goa.

.... Appellant.

V/s

1. The Chief Electrical Engineer,
Electricity Department,
Vidhyut Bhavan,
Panaji – Goa.

.... Respondent No. 1

2. The State Public Information Officer,
O/o. The Chief Electrical Engineer,
Vidhyut Bhavan,
Panaji – Goa.

.... Respondent No. 2

CORAM:

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

(Per G.G. Kambli)

Dated: 05/07/2007.

O R D E R

The Commission by its Judgment and order dated 24/4/2007 directed Shri Umesh Uchill, Assistant Engineer sub Div III(R), Bambolim to show-cause as to why the penalty of Rs 250/- per day delay should not be imposed on him for causing delay in furnishing information deliberately and malafide intention. In response to the same, Shri Umesh Uchill filed his affidavit-in-reply explaining the details and praying that the delay be condoned.

2. In his affidavit-in-reply Shri Umesh Uchill stated that the application of the Appellant was received in his office on 3/7/2006 during the monsoon period. He submitted that during the month of July and

...2/-

August 2006 on account of heavy rain number of trees were uprooted and the power supply to the various areas of Chimbhel, Agassaim, Azzosim Bambolim was disrupted, as there was a breakdown to the feeder situated at Azzosim, Pilar, Agassaim. He submitted that he along with his Junior Engineers were on duty round the clock to ensure uninterrupted power supply. He further submitted that during the said relevant period, the World Cup was going on and he has to ensure an uninterrupted power supply to the television viewers. In support of these he has produced an extract of the faults attended to 11KV feeders at Bambolim, Pilar, Azzosim during the month of July and August 2006. He has submitted that he had to attend this fault and repair the feeders on priority basis as a result of which the office work remained unattended.

3. Shri Umesh Uchill has further stated that one of his Junior Engineers who was dealing with the subject proceeded on long leave from 17/7/2006 to 21/8/2006 for his marriage and this factor also contributed for the delay in providing the information to the Appellant. Shri Umesh Uchill has admitted that there has been a delay of 25 days on his part. However, the same has been caused due to exceptional circumstances which were beyond his control. However, on inquiry by the Superintending Engineer, the information was provided immediately.

4. Shri Umesh Uchill submitted that the delay caused on his part was not deliberate, intentional, nor malafied. He has also submitted that this was the 1st application of the Appellant received by him and he was not well conversant and acquainted with the procedure of the RTI Act as no training was imparted to him nor his other officers. He has also submitted that he has provided the information immediately in respect of applications which were received subsequently.

We have gone through the affidavit in reply filed by Shri Umesh Uchill, Assistant Engineer, sub Div III (R), Bambolim and satisfied that there was no intentional deliberate delay on the part of Shri Umesh Uchill as he remained busy during the month of July and August, 2006 for

attending the urgent work of repairs of feeders at various places of power supply to ensure uninterrupted power supply of the consumers.

6. In these circumstance, we drop the further proceedings against Shri Umesh Uchill, Assistant Engineer, sub Div III(R), Bambolim.

Inform the parties.

Sd/-
Shri G. G. Kambli
State Information Commissioner

Sd/-
Shri A. Venkataratnam
State Chief Information Commissioner