

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

**CORAM: Shri Juino De Souza State Information Commissioner**

**Appeal No. 95/SIC/2012**

Jaiprakash G Nagarsenkar,  
R./o H. No.E-1/4,  
Sapna Citadel,  
Alto Nagali, Dona Paula,  
Goa- 403 004

**..... Appellant**

**v/s**

1. Public Information Officer,  
Goa College of Architecture,  
Dr. T.B. Cunha Educational Complex,  
Altinho, Panaji- Goa 403001
2. FAA.  
Director of Technical Education,  
Alto Porvorim- Goa 403521

**.....Respondents**

**Relevant emerging dates:**

Date of Hearing : 28-07-2016  
Date of Decision : 28-07-2016



**ORDER**

1. Brief facts of the case are that the Appellant vide his two applications dated 05/12/2011 and 16/01/2012 under RTI to the Public Information Officer, College of Architecture, sought certain information regarding the PhD obtained by Ashish K Sinai Rege who is the Principal of College of Architecture.
2. The Public Information Officer, submitted a reply to Appellant vide letter No. ARCH/RTI/2011-12/1111 dated 04/01/2010 which was dispatched by registered post informing the Appellant that information sought consists of a total seven pages and the same is kept ready for supply and that the Appellant should pay the photocopying fee of Rs.2/- per folio/page at the cash counter and collect the information.
3. It is the case of seen that the Appellant on receipt of the intimation had made payment and collected the information from the PIO on 11/01/2012 however the Appellant thereafter complained of some missing documents including copy of bond executed by the Principal and filed a fresh RTI application on 16/01/2012 which was replied by the PIO on 15/02/2012 and which the Appellant claims to have received on 20/02/2012 and has alleged delay on part of the PIO and filed two First Appeals on 14/03/2012.

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4. It is the contention of the Appellant that the FAA did not pass any order even after 57 days had elapsed and which is why he has filed a Second Appeal dated 10/05/2012 and in his prayer has sought refund of the fees paid , imposing of penalty and other such reliefs.
5. During the hearing the Appellant is absent, it is seen that he was also absent at the last hearing on 18/05/16 although notice was sent by Registered Post. The Respondent PIO Ms. Madhavi Dixit Navare alongwith Adv. K.L Bhagat are present in person. The learned Advocate for the Respondent PIO submits that the Appellant made the payment and has collected the information and admits that there is a delay of one day which occurred due to miscalculation in the number of days by the PIO.
6. It is also contended that after the Appellant collected the information he noticed some errors and applied for additional information through another RTI application dated 16/01/2012 and PIO had sent a reply to Appellant on 15/02/2012. The learned advocate submitted that the Appellant was told that information of a total 299 pages is kept ready for supply and that the Appellant should pay and collect the additional information however the Appellant has failed to pay the amount and has not collected the information.
7. The Advocate for the PIO further submits that the appellant filed two First Appeals on 14/03/2012 and two hearings were held by the FAA on 11/04/2012 and 02/05/2012 and when the matter was posted for final hearing on 17/05/2012 and the Appellant without waiting for the order of the FAA rushed to file a Second Appeal although dated 10/05/2012 the same was filed on 17/05/2016 itself. The Respondent PIO files a written declaration stating that all information was supplied to the appellant and to condone the one day delay. A detailed reply is also filed by the PIO dated 28/07/2016 which is taken on record.
8. The Commission has perused the material on record and also the Order of the FAA dated 17/05/2012 directing the PIO to permit the Appellant to take inspection of all available documents and to refund back fees collected, the statement of reply of the FAA dated 13/08/2012 enclosing the minutes of the hearings held on 11/04/2012, 02/05/2012 and 17/05/2012, the second appeal memo and the letter of the appellant dated 14/05/2012 sent to the FAA stating that the First appeal has not been disposed off within the mandatory period of 30 days.

9. The first grievance of the appellant is that there is a delay in the reply of the PIO by 6 days although the PIO disputes the same and states that the delay is of one day. The second grievance is the delay in disposing the First Appeal after the mandatory 30 days period (First Appeal filed on 14/03/2012 and Order passed on 17/05/2012) and the last grievance that to direct the refund of fees paid for information obtained on the first application dated 05/12/2011 and that with respect to the second application dated 16/01/2012 the figure of 299 pages is inflated to harass /force the Appellant to pay hefty amount and discourage from collecting the information which should not have been more than 5-6 pages.
10. The Commission on scrutinizing the minutes of the hearings before the FAA finds that indeed there is a one day delay on part of the PIO in sending the reply, however it is stated by the PIO that the delay was inadvertent and unintentional without any malafide intention.
11. There is also a delay of about 30 days in disposing the First Appeal by the FAA, however as per the statement of reply filed by the FAA on 13/08/2012 stating therein the reasons for delay which were due to the fact that the FAA is the Chairman for holding the GCET exam that is held between 8<sup>th</sup> to 11<sup>th</sup> May 2012, and also the Principal of Goa College of engineering as well as the Principal of Government Polytechnic, Curchorem, besides having to attend important State and National meetings in the capacity of Chairman/ Member of several committees / boards and that due to such exigencies of work there may have been an inadvertent delay and which is not deliberate and has requested to condone the delay.
12. The Commission observes that no doubt there has been delay on part of the FAA, but the Appellant on his part has paid the fees and collected the information all documents of which are on record of the file and is now asking for refund stating that incomplete information is given and which is unwarranted and uncalled for. Also he filed another RTI application 16/01/2012 on the same subject matter and failed to pay and collect the additional information sought after receiving the intimation on 20/02/2012. The Appellant could have very well have paid the amount for 299 copies under protest and then subsequently claimed refund if he found the copies were in excess to the information sought in his RTI application.



12. The Commission while condoning the delay on part of both the PIO and FAA however rejects that part of the order of the FAA directing the PIO to refund the fees that have already been paid by the Appellant with respect to collecting seven pages of information documents as per the first RTI application dated 05/12/2011.
13. The Commission however grants liberty to the Appellant to approach the office of Respondent PIO within 60 days of the date of this order and take inspection of the said information documents and collect the additional information as sought in his second application dated 16/01/2012 that he so desires. In such an event the PIO will extend full cooperation and allow the Appellant to inspect the file free of cost, however the photocopying charges for whatever information documents sought will have to be paid for by the Appellant.  
**With these observations the Appeal case stands disposed.**

All proceedings in Appeal case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.



**(Juino De Souza)**  
**State Information Commissioner**

