

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 96/SIC/2012 | 478

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:

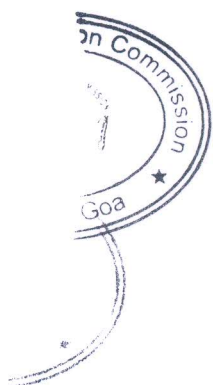
Date of Hearing : 28-07-2016
Date of Decision : 28-07-2016



ORDER

1. Brief facts of the case are that the Appellant submitted two applications both dated 16/01/2012 under RTI to the Public Information Officer, College of Architecture, seeking certain information on 10 different points about an office vehicle bearing registration no. GA-7-G-8113 used by the Principal of College of Architecture.
2. The Public Information Officer, submitted a reply to Appellant vide letter No. ARCH/RTI/2012/1328 dated 15/02/2012 which was dispatched by registered post informing the Appellant that information sought consists of a total 299 pages and the same is kept ready for supply and that the Appellant should pay the processing fee of Rs.10/- and Rs.2/- per folio/page at the cash counter and collect the information.
3. It is seen that the Appellant did not make the payment and has not come forward to collect the information and not being satisfied with the reply of the PIO, thereafter filed First Appeal with the First Appellate Authority (FAA) on 14/03/2012. 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 before the commission which was presented on 17/05/2012.

4. 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.
5. The learned Advocate for the PIO submits that the PIO had sent a reply to Appellant being letter No. ARCH/RTI/2012/1328 dated 15/02/2012 by registered post informing the Appellant that information of a total 299 pages is kept ready for supply and that the Appellant should pay the processing fee of Rs.10/- and Rs.2/- per folio/page at the cash counter and collect the said information however the Appellant has failed to pay the amount and has not collected the information.
6. 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 10/04/2012 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 and filed a Second Appeal on 17/05/2016 itself. A written declaration of the PIO is filed at the hearing confirming the facts that a reply was sent to the Appellant to pay and collect the information and which has not been done. A detailed reply dated 28/07/2016 is also filed by the PIO which is taken on record.
7. The Commission has perused the material on record including the Order of the FAA dated 17/05/2012 directing the PIO to permit the Appellant to take inspection of all available documents without collecting any fees, the statement of reply of the FAA dated 13/08/2012 to the Commission also enclosing the minutes of the hearings held on 10/04/2012, 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.
8. The first grievance of the Appellant is of delay in the reply of the PIO by 6 days although the PIO disputes the same (RTI application is dated 16/01/2012 and reply of PIO is dated 15/02/2012). The second grievance is the delay in disposing the First Appeal after the mandatory of 30 days period (First Appeal is filed on 14/03/2012 and Order passed on 17/05/2012) and lastly that the figure of 299 pages is increased to harass the Appellant so he pays higher amount so as to discourage him from collecting the information which in his opinion should not have been more than 5-6 pages.



9. The Commission on scrutinizing the minutes of the hearings before the FAA finds that indeed there is a slight 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.
10. There is also a delay of about 30 days in disposing the First Appeal by the FAA, however the statement of reply filed by the FAA on 13/08/2012 states that the delay was due to the fact that the FAA is the Chairman for holding the GCET exam that is held between 8th to 11th May 2012, and also the Principal of Coa 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.
11. The Commission observes that no doubt there was a slight delay on part of the PIO in dispatching the information which the Appellant claims to have received after 6 days delay, but the Appellant on his part has also failed to pay and collect the information after receiving the intimation on 20/02/2012. The amount for 299 copies could have been paid under protest and then subsequently the appellant could have put his claim for refund if he found the copies were in excess to the information sought in his RTI application.
12. The Commission comes to the conclusion that there is no malafide intention to delay the information and accordingly condones the delay on part of both the PIO and FAA. 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 free of cost, however the photocopying charges for whatever information documents sought will have to be paid for by the Appellant. The Commission directs the PIO to extend full cooperation to 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.



sdf
(Juino De Souza)
State Information Commissioner