GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No. 112/SCIC/2012/791

Shi Gautam N. Pednekar,
Office F-7, 1st floor,
Elzira Commercial Complex,
Opp. To Axis Bank Angod,
Mapusa, Bardez-Goa. ..... **Complainant**

2. Mr. Swapnil V. Shirodkar,
Behind Primary School,
Khorlim, Mapusa-Goa.

v/s

1. Pubic Information Officer,
For the Office of Inspector of Survey
and Land Records, Panaji-Goa. ..... **Respondent**

Relevant emerging dates:

Date of Hearing : 21-09-2016
Date of Decision : 21-09-2016

O R D E R

1. Brief facts of the case are that the complainants jointly vide their RTI application dated 19/04/2012 sought certain information from the Respondent PIO. The information pertains to a Petition case No. 15/1/89/Part/Land/2438 dated 21/07/1990 of the Dy. Collector, North Division, Mapusa with regards to the property bearing survey No. 167/6 at Moira.

2. The Respondent PIO, Office of the Survey of Land Records vide his reply No. REV/R-INFO/DSLR/15/2012/DS012-299 dated 04/05/2012 informed the Complainants that the information sought is ready and requested them to approach the Revenue Section of the public authority and collect the same on payment of prescribed fee of Rs. 372/- at the cash counter.

3. It is seen that the Complainants have paid the said amount of Rs. 372/- and collected the information, however subsequently they have raised an objection regarding the fees charged at a higher rate of Rs. 30/- per page instead of Rs. 2/- per page ...2

and have filed a direct complaint before the Commission on 13/07/2012 and in the prayer are seeking directions that the PIO refund the unreasonable fee charged and also to take action as deemed fit.

4. During the hearing, both the Complainants are absent despite advance notice without intimation to the commission. It is seen from the Roznama that they have remained absent since 04/10/2013 and also on three previous occasions 26/06/2016, 11/08/2016 & today. The Respondent APIO Shri Rajesh Pai Kuchelkar who is present on behalf of the PIO submits that all the information has been provided to the Complainants on payment of Rs. 372/- and that they are unnecessarily raising the issue of overcharging which is baseless.

5. The Respondent APIO states that the fees charged are as prescribed under the Goa Land Revenue (Inspection, Search and Supply of copies of Land Records) Rules 1969 as per Notification No. 16-5-2010 RD dated 15-06-2010 and the fees prescribed in the aforesaid rules are at the rate of Rs. 30/- per page (excluding cost of paper of Rs. 1/- per page).

6. The Respondent APIO submitted that Notification No. DI/INF/RTI/BILL/05 dated 04/02/2008 issued by the Department of Information & Publicity, Government of Goa and published in Government Gazette I & II and Series I No. 40 dated 15/06/2010 and 14/02/2008 provides that in case any higher fee other than specified in RTI Act is laid down by any rules, then such higher fee shall be charged for supply of information. The Respondent APIO contends that the complainants on their own volition have deposited Rs. 372/- and collected the information documents and it is not a case that the money was paid **'Under Protest'** as such the complaint is without any merit and should be dismissed.

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7. The Commission on perusal of the material on record finds that there is a detailed reply filed by the PIO on 10/08/2012 giving all correct facts and also enclosing copies of Notification No. DI/INF/RTI/BILL/05 dated 04/02/2008 and Notification No. 16-5-2010 RD dated 15-06-2010 wherein it is clearly stated that the every certified copy can be charged a fee of Rs. 30/- per page.

8. The Commission also observes that the complainants have paid the amount of Rs 372/- willingly and out of their own volition and collected the information unconditionally without any protest. It is also seen that the said higher fees were charged as per prescribed rules as mentioned in the said two notifications.

10. It is not the case that they the Complainants have paid the said fees '**Under Protest**' and as such there is no justification on part of the Complainants in asking for a refund of amount already paid after collecting the certified copies of the information documents. The Commission therefore comes to a conclusion that there is no fault with the PIO who has charged the correct fee of Rs. 30/- per page for each certified copy as prescribed under the prevalent rules.

The complaint is devoid of merit and stands dismissed.

The proceeding in the case stands closed. Pronounced in open court. Notify the parties concerned. Authenticated copies of the order are given to the parties free of cost.

Under Secretary cum Registrar
Goa State Information Commission

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(Juino De Souza)
State Information Commissioner