

**BEFORE THE GOA STATE INFORMATION COMMISSION**  
**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**  
**CORAM: Shri. Prashant S. P. Tendolkar,**  
**State Chief Information Commissioner**  
**Smt. Pratima K. Vernekar,**  
**State Information Commissioner**

**Complaint No.601/SCIC/2010**

Shri Rabindra A. L. Dias,  
Dr. Pires Colony, Block "B",  
Cujira, St. Cruz, Tiswadi-Goa. ... Complainant.

**V/s**

Mr. Paresh M. Fal Dessai/PIO  
O/o the Mamlatdar & Executive Magistrate,  
Collectorate Bldg.,  
Margao, Salcete –Goa. ... Opponent

Filed on : 30/11/2010  
Disposed on 16/09/2016

**1)FACTS:**

- a) The complainant by his application, dated 04/08/2010 filed under section 6(1) of the Right to Information Act (Act), sought information with reference to his 31 queries.
- b) The PIO by his reply, dated 30/08/2010 furnished the answers to the queries and also informed that the certified copies of certain documents pertaining to some queries may be collected on 03/09/2010. According to complainant said reply was received by him on 05/09/2010.
- c) It is the contention of the complainant that on receipt of the said letter, he approached the office of the PIO on 13/09/2010. However, the said copies were not ready till 14/09/2010.
- d) It is further contention of the complainant that he was verbally told to pay Rs. 32 /- which he objected and accordingly he was permitted to collect the copies free of charge and that it was maliciously inscribed that an amount of Rs.2/- was collected by receipt No.49 dated 14/09/2010.

...2/-

e) It is further contention of the complainant that on 08<sup>th</sup> October 2010 he applied the certified copy the receipt, which he has annexed to the complaint.

f) Besides these contentions it is also this contention that the said receipt was send to the complainant alongwith the letter, which according to the complainant was unauthenticated and hence according to him the said receipt appears to be manipulated.

g) While raising the grounds for filing this complaint, the complainant has submitted at grounds (I) to (XII) he has contended as to how the procedure adopted by the PIO was wrong. It is with these grounds that the appellant wanted this Commission to take cognizance of the said procedural violation by the PIO and interalia has sought for penal action.

In the complaint Memo the complainant has reproduce the provision of the Act in the form of orientation to the Commission and which is redundant for the purpose of this complaint.

h) The PIO has filed the Reply interalia submitting that the information was kept ready on 03/09/2010 but the complainant has verbally refused to accept the information for the mere reason that there was a delay, which even if assumed only of one day. According to the PIO he has furnished entire information to the complainant free of cost on 14/09/2010 and that it is acknowledge by the complainant. With these submission the PIO wanted this Commission to dismissed the present complaint with cost.

i) Parties were notified pursuant to which submission were filed by the complainant.

j) We have perused the records. And considered the reply and the submission filed by the parties, vis a vis the provisions of the Act.

## **2) FINDINGS**

a) in the present case an application is filed on 4/08/2010 seeking information pertaining to 31 queries. The said application was replied on 30/08/2010. According to the complainant his information was required to be furnished to him free of cost. We are unable to consider this arguments. On an application dated 04/08/2010 the information was offered on 30/08/2009 which according to the complainant was received by him on 5/09/2010. Even if we consider the time as stipulated under the act for providing information strictly, and considering the first day of filing the application, the reply was received on the 30<sup>th</sup> day. Being so, we do not find any reason for the complainant to seek the information free of cost.

b) Be that as it may it is the grievance of the complainant that the PIO offered to provide the information free of cost and without charging any fees furnish him the information, but a receipt bearing No.49 was issued. The complainant has objection for issuance of such receipt but the facts remain is that the complainant was not required by PIO to pay any fees. The complainant therefore cannot have any grievance in respect of charging of fees. In the circumstances we find no violation of the provisions of the Act.

c) On perusal of the grounds as raised in the complaint, the complainant by reproducing the certain provisions of the act has raised the objections pertaining to the procedure adopted by the PIO. None of these grounds as stated in complaint constitute the bases for entertaining any complaint as per requirement of section 18(1)( a) to (f) of the act. Moreover the grounds as raised herein cannot be agitated under the act and the only points which can be considered is whether there was a refusal to accept the application or allowing to access the information or not giving a response, or over payment of fees or demanding more fees or furnishing of incomplete, misleading or false information.

- d) In the present complaint nowhere the complainant has grievance in respect to the information furnished to him. It is his case that he was directed to pay fees which he was not liable to pay. As per his own statement he did not pay any fees as he was exempted by PIO. Being so he cannot claim the relief of penalty.
- e) On perusal of the complaint it appears that the complainant, inspite of receiving the information and inspite of getting exemption in payment of fees, which according to us he was liable to pay, has filed the present complaint for some extraneous reasons.
- f) Considering the above circumstances we find no merits in the complaint and that no relief as sought for can be granted. Hence we disposed the present complaint with the following :

**O R D E R**

Complaint stands dismissed.

Parties to be intimated.

Proceeding closed. Pronounced in the open proceedings.

**Sd/-**  
**(Prashant S. P. Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa

**Sd/-**  
**(Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji –Goa