

GOA STATE INFORMATION COMMISSION

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

Appeal No. 08/SIC/2015

Shri Nishant Sawant,
House No. 1188,
Mahalaxmi Bandora.

.....Appellant

V/s.

1)The Public Information Officer
Executive Engineer,
W.D.XVIII (R), PWD,
Ponda Goa.

2.First Appellate Authority,
S.S.W., P.W.D. Altinho,
Panaji Goa.

.....Respondents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 09/01/2015

Decided on:24/05/2017

ORDER

1. The Appellant , Shri Nishant Sawant herein by his application dated 9/07/2014 sought certain information from PIO, Work Div. XVIII Road PWD, Ponda as stated therein the said application.
2. It is the case of the appellant that he had not received the reply from the Respondent PIO within 30 days time as contemplated in section 7(1) of Right to Information Act as such deeming the same as rejection he preferred first appeal on 25/08/2014 and Respondent No. 2 by a order dated 12/09/2014 directed Respondent PIO to furnish the information within 10 days of depositing the fees of Rs. 6/- by the appellant.
3. The appellant being aggrieved by the order of the Respondent No. 2 First appellate authority on 08/1/2015 approached this Commission by way of second appeal with a prayer for furnishing the information with free of cost and for invoking penal provision.

4. It is the case of the appellant that vide his letter dated 31/10/2014, 11/11/2014 and 1/12/2014 he wrote to the Respondent to furnishing the information to him.
5. The above matter was taken up for hearing and listed up on board. In pursuant to the notice appellant appeared in person. Respondent No. 1 represented by Advocate Atish Mandrekar. Reply was filed on behalf of PIO on 13/02/2017 thereby enclosing exhibit 1 to 5 in support of his submission. The copy of the reply alongwith annexure was collected by appellant on 14/03/2017 and matter was thereafter fixed for argument.
6. on the subsequent day the appellant remained absent. Advocate for Respondent submitted that his reply may be treated as argument opportunity was given to appellant to file his written submission and matter is fixed for orders on 24/05/2017.
7. As no reply came to be filed on behalf of appellant this commission had no other option to decide the matter based on the records available in the file.
8. It is a contention of the Respondent PIO that vide their letter dated 7/08/2014 he had informed appellant to collect the information sought on payment of Rs. 6/-

In support of their contention he has relied upon the said letter which is at exhibit 1 and also the copy of the dispatch Register of having posted the letter to the appellant on the said day by ordinary post. It is his contention that the appellant did not make the payment of said amount nor collected the said information. It is his further contention that by various letter which were addressed to them by appellant about non furnishing the information is only to create false record, as such by taking serious note of such attitude of the appellant the letter was made to appellant requesting him to pay the Xerox charges and to collect the information. The copy of those letters which is at exhibit 3 to 5 have been relied in support of their contention. It is specific case of the Respondent that despite of intimating the appellant within time to deposit the amount and to collect the information he

delayed in receiving the said information and on that said ground they had prayed for dismissed of present appeal.

9. On account of continuous absence of the appellant, no any clarification could be obtained from the appellant. No any written synopsis also placed on record by the appellant. As such this commission presumes that the appellant has no any say to be offered and the averments made in the reply are not disputed and rebutted by him. Nothing is placed on record by the Appellant showing that he had deposited the required fee and that the Respondent had neglected in furnishing the information . It appears that appellant himself had delayed in receiving the said information. Further the order of the First appellate authority reveals that the hearing was conducted on 12/09/2014 and at the relevant time appellant as well as Respondent were present and after hearing both the parties, the said directions were issued to the appellant . The fees which was calculated was nominal fees of Rs. 6/- instead of depositing the said fees and collecting the information appellant has approached this commission. Based on the previous records, it could be gathered that appellant had used same modus operandi in other case also. It appears from his conduct that he is not much interested in collecting the information and is trying to settle his some personal scores. The commission directs the appellant to refrain himself from such acts.
10. Considering the intent of RTI Act, and as the requisite fees for the said information is very nominal, the commission is of the opinion that ends of justice will meet with the following order .

Order

The appeal partly allowed. The Respondent No. 1 is here by directed to furnish the information to the appellant by registered A.D. within 10 days from the receipt of the order free of cost.

Other prayer are rejected.

Appeal stands disposed accordingly .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa