

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

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Appeal: No.08/SCIC/2017

Ulhas R. Mainikar,
B-14-1, Police Quarters,
Alto Porvorim –Goa.

..... Appellant

V/s

- 1) The First Appellate Authority,
The Senior Town Planner,
Town & Country Planning Dept. North –Goa,
District, Govt. office Mapusa,
Bardez-Goa.
- 2) The Public Information Officer,
The Dy. Town Planner,
Town & Country Planning,
Bicholim-Goa.

..... Respondents

Filed on : 30/1 2017

Disposed on 4/10/2017

1)FACTS:

a) The appellant herein by his application, dated 20/10/2016, filed u/s 6(1) of The Right to Information Act 2005(Act for short) sought certain information from the Respondent No.1, PIO under several points therein.

b) The said application was replied on 15/11/2016 informing the appellant that the information at points 2,3,5 and 6 in the application shall be furnished after the same is photo copied and that the information at points 1 and 4, being priced documents

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can be obtained from the office of the Chief Town Planner Panaji. The appellant by his letter, dated 1/12/2016 addressed to PIO wanted to know the total cost of copies. The PIO replied that the same on 02/12/2016 intimating the appellant that the total cost is Rs.140/-

c) According to complainant when he approached the office of PIO, the concerned officer was not present and inspite of his several visits the information was not available and hence the appellant filed first appeal to the First Appellate Authority(FAA).

d) It is the grievance of the appellant that the FAA has not passed any order till date and appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 3/7/2017 filed a reply to the appeal and the arguments were heard

f) The appellant submitted that on receipt of the letter, dated 15/11/2016 he inquired from the PIO by his letter, dated 1/12/2016 the total cost of the copies. According to him the reply sent by the PIO on 2/12/2016 was received by him only on 17/12/2016.

According to appellant in the meantime he approached the office of PIO 22/11/2016 to inquire the amount and to collect the information against such payment but he could not get the same as the concerned person was not available.

According to him he was expecting the information immediately against the payment of the cost.

g) In his submissions the PIO submitted that the information was to be dispensed against payment. The amount of fees was informed to the appellant by letter, dated 2/12/2016 which according to him was dispatched on the same date by ordinary post but a copy of the same was also sent subsequently by registered post. He admitted that the registered letter was dispatched on 13/12 /16 but according to him same letter was also sent earlier by ordinary post on 2/12 2016. He produced the copy of the outward register of the office showing therein the dispatch of a letter to the appellant on 2/12/2016.

h) PIO was directed to file affidavit in support of his contentions which was accordingly filed. The Appellant has also filed his additional submissions.

2)FINDINGS:

a) I have perused the records. The short controversy involved herein is regarding the cost of the information and the time for payment thereof. The appellant is expecting the information immediately against the payment thereof but that the same was not made available to him when he visited the office on 22/11/2016 in view of the absence of the officials.

b) According to PIO he has informed the appellant the cost of the information by letter, dated 2/12/2016. There is no dispute regarding said letter except that the appellant contends that he has received the same on 17/12/2016. However said letter does

not effect the case as according to appellant, even before said letter was sent, he has approached the office on 22/11/2016 to inquire about the cost of information.

c) In the present case the PIO has not denied the information but is expecting the appellant to deposit the cost. By his letter, dated 15/11/2016 the PIO has informed the appellant that the information can be made available after getting the same photocopied. Thus the cost to be paid by the appellant also included the cost of photocopying. The appellant expects the information immediately. Even if one considers the expectation of appellant as rational, the same cannot be fulfilled as the office will require some time for photocopying and certification etc. Hence to my mind the appellant could have deposited the said cost in the office in the first instance.

d) The respondent public authority is not entitled to furnish the information free of cost if offered to seeker in time. Such an exercise if allowed would amount to drain on public exchequer. There is also another aspect as in case the copying is done in advance at the cost of authority and the copies are not collected, the same would also amount to waste of public funds. The act does not envisage dispensation of information at the cost of the public authority, except in cases governed u/s 7(6) of the act.

e) In the present case there is no failure on the part of public authority to comply with the time limit hence the present case does not fall under section 7(6) of the act. The proper course would have been to ask the appellant to deposit the cost and thereafter

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furnish the information thereafter within reasonable time.

f) In the facts and circumstances of the case I hold that the appellant is entitled to receive the said information at points 2,3,5 & 6 of the application, dated 20/10/2016 from the PIO herein against payment of the cost of Rs.140/-.

Regarding the information at points 1 & 4 the same is required to be transferred to the office of the Chief Town Planner, Panaji under section 6(3) of the act.

g) In the above circumstances I dispose the present appeal with the following:

O R D E R

The appellant shall deposit with the PIO the said sum of Rs.140/- being the fees for information, within TEN DAYS from the date of receipt of this order by him. On receipt of said fees the PIO shall, within FIVE DAYS thereafter, furnish to the appellant the information at points 2, 3, 5 & 6 of his application dated 20/10/2016.

The PIO shall also, within FIVE DAYS from the date of receipt of this order, transfer the part at points 1 & 4 of the said application, dated 20/10/2016, to the PIO, Office of the Chief Town Planner, for responding thereon to the appellant.

Rest of the prayers are rejected.

Notify the parties.

Proceedings closed.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa