

## GOA STATE INFORMATION COMMISSION

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

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Appeal No.109 /2016

Shri Bharat Tukaram Hoble,  
S/o Late Tukaram Hoble,  
Residing at H.No. 409,  
Baman Bhat Mercedes,  
Tiswadi Goa.

..... Appellant

**V/s.**

1. The First Appellate Authority,  
The Director,  
Directorate of Settlement & Land Records,  
Panaji Goa.

2. Public Information Officer,  
The Superintendent of Surveys & Land Records,  
Directorate of Settlement & Land Records,  
Panaji Goa.

..... Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 30/05/2016**

**Decided on: 28/06/2017**

### **ORDER**

1. In exercise of the Right U/s 6(1) of the RTI Act 2005 , the appellant Shri Bharat Tukaram Hoble filed application on 14/12/15 seeking certain information at point No. 1 to 12 from the PIO .Director of Settlement and land records Panajim ,Goa .
2. The said application was responded by the Respondent NO. 2 PIO on 8/1/2016.
3. Being not satisfied with the reply of the Respondent No. 2 PIO the appellant preferred first appeal before the Director of Land and Settlement Records who is Respondent No. 1 herein and the Respondent No. 1 First appellate authority by an order dated 11/4/16 dismissed the appeal of the appellant by upholding the say of the Respondent No. 2 PIO .

4. Being aggrieved by the action of both the Respondents, the present appeal came to be filed before this commission on 30/5/2016 filed under section 19(3) of the RTI Act thereby seeking relief of providing him correct information free of cost and for invoking penal section.
5. In pursuant to the notice of this commission, appellant was present along with Advocate S. Naik. on behalf of Respondent No. 1 FAA Shri Kuchelkar appeared Respondent No. 2 PIO was represented by Sandeep Chodankar The then PIO Shri Parag nagarsekar also appeared and filed his reply on 3/3/2017 on behalf of present PIO separate reply also came to be filed on the same day .
6. The representative of Respondent No. 2 Shri Sandeep Chodankar also offered to give inspection of all the registered pertaining to the information at point No. 1 to which the appellant also agreed to carry out the inspection. Accordingly on subsequent date of hearing advocate for the appellant submitted that due inspection have been carried out by his client and his client is satisfied with the information provided to him at point No. 1 .
7. Since the appellant was not satisfied with the information provide to him at point No. 2 to 4 and 9 to 11, the PIO was is directed by this commission to verify their record and to furnish the point wise reply/information to the appellant. Accordingly the respondent No. 2 PIO furnished point wise reply to the appellant on 14/6/17 .
8. The Advocate for the appellant on verification of the said information submitted that the same is furnished as per requirement of his client but pressed for penalty on the ground that there is an delay in furnishing complete information to him .
9. The controversy which has arisen here is whether the then PIO is liable for action as contemplated u/s 20(1) of the RTI Act 2005. For the purpose of considering such liability the Hon'le High Court of Bombay , Goa branch at Panaji in Writ Petition No. 205/07(Shri A.A. Parulekar V/S Goa State Information Commission has observed

“ The order of penalty for failure to act under criminal law. It is necessary to ensure that the failure to supply of information in either the intentional or deliberate ”

“unless and until it is borne on record that any officer against whom order of penalty for failure to be sought to be levied and has occasion to comply with a order , and has no explanation or excuse available worth satisfying the forum, possessing the knowledge of the order to supply information, and order of penalty cannot be levied”.

10. In the present case it is seen that the application of the appellant dated 14/12/115 was promptly replied by then PIO on 8/1/16 within 30 days time.
11. During this proceedings also respondent PIO also showed their willingness to give the inspection and furnish the information and accordingly the same was furnish to the appellant as per his requirement.
12. In view of above I do not find any cogent and convincing evidence against the Respondent No. 2 PIO that he had deliberately and intentionally provide him incomplete information. As such the levy of penalty is not warranted in the facts of the present case. Since the complete information is now furnished to the appellant, the intervention of this commission is not required as far as the prayer of providing the information. The other prayer are not granted .

The matter disposed accordingly . Proceedings stands closed.

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