

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.166/SIC/2012**

Shri. Bandhagit Nadaf,  
No.9, 3<sup>rd</sup> floor,  
Paes Avenue Building, F.L. Gomes Road,  
Vasco – Goa. 403 802.

**.... Appellant**

v/s

1.Public Information Officer,  
Dy. Collector (Land Acquisition),  
O/o Collector of North Goa District,  
Land Acquisition Branch,  
Panaji – Goa.

2.Public Information Officer,  
Under Secretary to Chief Secretary,  
Government of Goa,  
Secretariat, Porvorim-Goa.

**..... Respondents**

2.First Appellate Authority,  
Additional Collector-II (North),  
Collectorate of North Goa District,  
Panaji – Goa.

**Relevant emerging dates:**

Date of Hearing : 20-02-2018

Date of Decision : 20-02-2018

**O R D E R**

1. Brief facts of the case are that the Appellant herein had filed an RTI application under section 6(1) with the Office of the Chief Secretary, Secretariat, Porvorim vide RTI application dated 24/09/2014. The information sought is at 3 points and the Appellant is *inter alia* is seeking to inspect all files containing Departmental decisions, Cabinet decisions, internal notings relating to Mopa and files related to Mopa Airport Project including proposal for Land Acquisition and Environmental impact Assessment and also files relating to Harbour, Dona Paula Sea Link Project.
2. It is seen that the RTI application was transferred vide letter dated 29/09/2011 under section 6(3) to the PIO, O/o Collector (North) Goa.

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3. It is the case of the Appellant that the PIO failed to provide required information which is mandatory under Section 7(1) and due to delay in furnishing the information, the Appellant filed a First Appeal on 14/06/2012 with the First Appellate Authority (FAA) and the FAA vide an Order dated 31/07/2012 while disallowing the First Appeal, however directed the PIO to furnish information to the Appellant within 30 days after receiving the prescribed fees.
4. The FAA in his order has observed that in the present case, the appellant's original application was for seeking inspection of files and not for seeking certified copies. The Appellant had been clearly requested to visit the office of the Collector North Goa for the inspection of the files. However, in spite of the Additional Secretary (Budget) Director PPP having informed this to the Appellant vide letter No.1-44-2011/PPP Cell (part-1) dated 17/10/2011 he failed to attend.
5. The FAA in his order has also observed that the Appellant himself vide his application dated 09/11/2011 sought written intimation from the Collector North Goa as to when he could come for inspection and the PIO vide letter No.MISC/AK/LA/2011 dated 24/11/2011 informed that he could visit on any working day during office hours for inspection. Therefore there is no delay on the part of the Government Authorities in dealing with the applications made by the Appellant. Hence providing the information free of costs at this stage does not arise.
6. The FAA held that the Appellant has himself delayed for unknown reasons his visit to the Collectorate of North Goa for inspection and which he did only on 12/03/2012 and thereafter made an application on same day seeking the certified copies of 10 files free of costs as per section 7(6) of Act and as such there is no cause for giving information free of cost. ...3

7. The appellant has challenged the Order of the FAA by way of Second Appeal before the Commission registered on 21/09/2012 and in his prayer is seeking information to be furnished correctly free of cost as per 7(6) and for imposing penalty and taking disciplinary action, compensation and other such reliefs.
8. During the hearing the Appellant is absent. It is seen from the Roznama that the appellant has remained absent since the institution of the Second Appeal from 11/12/2012 onwards and it appears that he is not interested to pursue the Appeal case. The Respondent PIO, Smt. Sheru Shirodkar, Dy. Collector (Land Acquisition), North is present in person alongwith Shri. Sagar Naik, Awal Karkun. The matter is taken up for final disposal
9. The Respondent PIO submits that the Appellant had carried out inspection of all relevant files on 12/03/2003 and that the delay is mainly due to fact that the Appellant himself had failed to attend the office of the Collector, North for inspection of the said files when he was informed by letter dated 17/10/2011 and hence the delay is on his part and not due to fault of the PIO.
10. The PIO further submits that the Appellant had filed a First Appeal which was disallowed and the FAA had directed the Respondent PIO to furnish information after receiving the prescribed fees. Finally the PIO submits that information of certified copies pertaining to 10 files can be supplied to the Appellant only on payment of cost.
11. The Commission after hearing the submission of the PIO and after perusing the material on record indeed finds that the PIO has not faulted in any way and that the delay in carrying out inspection was mainly as the Appellant himself had failed to attend the Office of the Collector North Goa despite being informed vide letter dated 17/10/2011.

12. Also it is a fact that the Appellant himself had written a letter dated 09/11/2011 asking when he should come for inspection and the PIO vide letter dated 24/11/2011 had informed that he could visit on any working days during office hours for inspection.
13. The Appellant is therefore not entitled to receive any certified copies of information free of cost. The Commission accordingly directs the Appellant, if he still interested in receiving information to approach the O/o the Collector, North Goa within 30 days of the receipt of the Order and collect the relevant certified copies of 10 files which he has inspected regarding Mopa Air Port Project and Dona Paula, Sea Link Project on payment of the necessary fees including higher fees as per the prescribed rules.
14. In such an event, the PIO after calculating the estimated cost shall ask the Appellant to first deposit the amount in advance before providing the certified copies. Once the appellant has deposited the amount, the PIO shall proceed to furnish the certified copies of information documents. Any further amount that may be due to the Public authority shall be collected from the appellant and vice versa, if there is any excess amount collected by the public authority, the same shall be refunded back to the appellant.

**Consequently, the prayer of the appellant for imposing penalty or taking disciplinary action stand rejected. With these directions the Appeal case stand disposed.**

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**

