

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.53/SIC/ 2013

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

..... Appellant

v/s

1.Public Information Officer,
O/o Mamlatdar of Salcete Taluka,
Margao Salcete– Goa.

2. First Appellate Authority,
Dy. Collector & SDO, Margao,
Collectorate Bldg.,
Margao, Salcete-Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 29-03-2018

Date of Decision : 29-03-2018

O R D E R

1. Brief facts of the case are the Appellant u/s 6(1) vide an RTI application dated 29/09/2012 sought certain information from the Respondent PIO, VP Verna, Salcete, Goa. It is seen that the RTI application was transferred u/s 6(3) to PIO, Mamlatdar, Salcete who informed the appellant vide letter dated 02/01/2013 to deposit an amount of Rs. 20/- and collect the information.
2. It is the case of the PIO, Mamlatdar, Salcete that the Appellant refused to pay the amount while claiming that he is entitled to receive the information free of cost as the same is being made available to him after a period of 30 days.
3. It is further seen that the Appellant has paid the amount of Rs 20/- by cash and receipt no 44 dated 22/02/2013 was issued to him and the appellant has also collected the information. Thereafter, the appellant filed a First Appeal dated 23/01/2013 claiming refund and for other reliefs and the First Appellate Authority (FAA) vide order dated 19/03/2013 disposed the first appeal.....

...by holding that the request for refund cannot be considered or accepted since the 30 days period starts from the date from which the PIO, Mamlatdar, Salcette had received the RTI application duly transferred from the earlier PIO, V.P. Verna and not from the date when the Applicant applied to the PIO, V.P. Verna.

4. The Appellant has subsequently challenged the order of the order of the FAA by filing a Second Appeal registered before the Commission on 30/04/2013 and has prayed to take cognizance that the PIO has given incorrect, incomplete and misleading information and for penalty and compensation for detriment suffered and to direct the anomalies extorted to be refunded and other such reliefs.
5. During the hearing the Appellant is present in person. The Respondent no 1 & 2 are absent. This old matter has come up before the commission on several previous occasions and as such is taken up for final disposal.
6. At the outset the Appellant argues that he is entitled for the refund of the amount of Rs. 20/- that he has paid as the information has been furnished after period of 35 days as per sec 7(6). He further argues that he is also entitled to receive compensation for the detriment suffered.
7. The Commission at the outset finds that the Appellant has paid the amount of Rs.20/- and collected the information and for which a cash receipt no 44 dated 22/02/2013 was issued to him out of his own volition. It is not that the Appellant has paid the amount under protest. Nowhere in the entire pleadings in the Appeal memo has the appellant even mentioned the word 'Paid under Protest'

8. Further the First Appellate Authority after hearing the parties has passed speaking Order clearly holding that the request for refund cannot be considered or accepted since the 30 days period starts from the date for the PIO, Mamlatdar, Salcette has received the RTI application duly transferred from the earlier PIO, V.P. Verna and not from the date when the RTI Applicant applied to the PIO, V.P. Verna.
9. The commission comes to the conclusion that there is no delay on the part of the PIO, Mamlatdar Salcete as the letter dated 02/01/2013 calling upon the Appellant to deposit an amount of Rs.20/- and collect the information was issued as soon the PIO had received the RTI application duly transferred from the earlier PIO, VP Verna. As such the Appellant is not entitled to receive any refund and consequently the prayers for compensation also stand rejected.

No intervention is required with the order of the FAA. The Appeal is devoid of any merits and accordingly stands dismissed.

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