

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

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

Appeal: No.99/SCIC/2017

Smt. Urmila U. Mainikar,
B-14-1, Police Quarters,
Alto Porvorim –Goa.

..... Appellant

V/s

- 1) The First Appellate Authority,
Shri Shrikant B. Pednekar,
Block Development Officer,
Bicholim –Goa.
- 2) The Public Information Officer,
Shri Sanjay Parab,
The Secretary,
Village Panchayat Navelim,
Bicholim -Goa.

..... Respondents.

Filed on :10/7/2017

Disposed on:02/01/2018

1) FACTS:

a) The appellant herein by his application, dated 21/2/2017, 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 twelve points therein.

b) The said application was replied by PIO on 18/3/2017 informing the appellant to pay fees in the sum of Rs.2848/- for required certified copies on any working day. According to appellant the said letter was received by him of 4/4/2017. Further according to appellant as the total number of pages and the cost per

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page was not mentioned, by his letter, dated 5/4/2017 he required the PIO to furnish the cost per page and the total number of pages.

c) According to appellant as the said letter dated 5/4/2017 was not responded, on 17/4/2017 he filed first appeal to the First Appellate Authority (FAA). The said appeal was disposed by the FAA by order, dated 15/5/2017, which order according to him was received on 26/5/2017.

According to appellant , in the course of hearing of the first appeal, the PIO furnished to him a letter, dated 21/4/2017, which is filed by appellant on record, which gives the calculation of the fees.

d) The FAA by said order, dated 15/5/2017 has directed the PIO to furnish the information to appellant except of point (3) which according to FAA was denied for lack of jurisdiction.

e) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act. In the present appeal the appellant has prayed for a direction to the FAA to issue instructions to PIO as also has prayed for imposition of penalty against the PIO u/s 20 of the act.

f) Notices were issued to the parties, pursuant to which they appeared. The PIO on 31/10/2017 filed his reply to the appeal . Arguments were heard. Appellant was represented by her husband Shri Ulhas Mainkar.

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2)FINDINGS:

a) I have perused the records. In the course of hearing of this appeal, the PIO submitted that the information as sought is ready and can be furnished against payment of the cost of information. Thus the short controversy involved herein is regarding the cost of the information and the time for payment thereof. I have perused the application u/s 6 (1) filed by appellant. The information sought therein is quiet substantial and as per the reply of PIO the same is running in 185 pages.

b) It is admitted that PIO has informed the appellant the cost of the information by letter, dated 18/03/2017. There is no dispute regarding said letter except that the appellant contends that he has received the same on 04/04/2017.

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 18/03/2017 the PIO has informed the appellant to pay the fees of Rs. 2848/-, though the calculation was not furnished.

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 the intimation to deposit fees was on 18/04/2017. Even though the same was received by appellant

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on 05/04/2017, such administrative delay could not be attributed to PIO. Hence I do not find 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.

f) In fact as per the provisions of the act, instead of agitating the quantum of fees the appellant initially could have collected the information on payment of the price quoted by PIO and in case the fees were found unreasonable then approach the Commission by a complaint u/s 18(1)(d) of the act.

g) Considering the above position of facts and the law I find no malafides to invoke my powers u/s 20 of the act. The appellant has not prayed herein for furnishing of the information. According to PIO the information is ready and can be issued against payment of fees. In the above circumstances I dispose the present appeal with the following.

O R D E R

The appeal is dismissed. However the appellant shall be entitled to collect the information sought from the PIO and as ordered by FAA on payment of the fees, within FIFTEEN DAYS from the date of receipt of this order by her. The right of the appellant to file complaint u/s 18 (1) (d) are kept open, if she considers the fees paid by her as reasonable.

As the appellant has requested for Communication of this order, this order be communicated to her and the PIO by post. Proceedings closed.

Sd/-

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

